

Imperial Transportation and Communication from the Third to the Late Fourth Century:

The Golden Age of the *cursus publicus*

by

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Author's Declaration

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

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Abstract

The existence of an infrastructure that allowed reliable communication between the emperors and all parts of the Roman civil and military administration was integral for the dissemination of ideologies, the promulgation of laws, and the implementation of Roman power in an organized and coherent fashion throughout the empire. This infrastructure was represented by the imperial information and transportation system (IITS, most commonly known by its 4th century name *cursus publicus*): a network of roadside stations set up in regular intervals along most major roads that could be used by officials of the central administration properly authorized with a permit. An integral aspect of Roman rule, the IITS has received relatively little attention in scholarship, particularly with regards to the question how structural and constitutional developments of the Roman Empire translated into changes to the communication system during the transition from the 3rd until the late 4th century.

The aim of this thesis is twofold: after determining the ways in which the applications of the IITS changed over the course of the first three centuries CE on the basis of epigraphic evidence, the first part explores and explains factors that led to the creation of the *cursus publicus* with its two sub-divisions (*cursus uelox*, *cursus clauulari(u)s*) under Diocletian and Constantine through a comprehensive study of military, administrative, legal, and structural developments of the Roman Empire.

The second part undertakes a comprehensive review of the structure, history, and development of the *cursus publicus* in the 4th century (e.g., infrastructure, financing, administration, usage rights, authorization, and control), primarily on the basis of a close reading of book 8.5 of the Theodosian Code. The evolution of the *cursus publicus* shows not only the interdependency between its development vis-à-vis that of the central administration, but also that the central government perceived it increasingly consciously as a valuable and important tool in ruling the empire. This thesis argues that on account of ongoing regulatory activity and reforms as a result of this shift in perception, the *cursus publicus* was firmly integrated into the imperial administration and streamlined to such a degree that it could be used with unprecedented effectiveness by the end of the 4th century.

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List of Abbreviations

- AE	Année Epigraphique
- ATHAN., <i>Syn.</i>	ATHANASIUS, <i>De Decretis Nicaenae Synodi</i>
- BMC	British Museum Catalogue (ed. POOLE 1873).
- BMCR	Bryn Mawr Classical Review
- DNP	Der Neue Pauly
- CA	<i>Constitutio Antoniniana</i>
- CC	<i>Cursus clauulari(u)s</i>
- CERF	Collection de l'École française de Rome
- CIL	Corpus Inscriptionum Latinarum
- <i>Cod. Iust.</i>	Justinian Code
- <i>Cod. Theod.</i>	Theodosian Code
- CP	<i>Cursus publicus</i>
- CSEL	Corpus Scriptorum Ecclesiasticorum Latinorum
- CV	<i>Cursus uelox</i>
- DKP	Der Kleine Pauly
- EUSEB., <i>Vit. Const.</i>	EUSEBIUS, <i>Vita Constantini</i>
- GLL	SOUTER 1949
- GOTHOFREDUS	<i>Cod. Theod.</i> ed. GOTHOFREDUS 1736-43
- H-S	HEUMANN - SECKEL 1927
- IITS	Imperial Information and Transportation System
- IGBulg	Inscriptiones Graecae in Bulgaria Repertae
- IGLSyr	Inscriptions grecques et latines de la Syrie
- IGRR	Inscriptiones Graecae ad Res Romanas Pertinentes
- ILS	Inscriptiones Latinae Selectae
- KRÜGER	<i>Cod. Iust.</i> ed. KRÜGER 1923-26
- LSD	Lewis and Short Dictionary
- Mag. mil.	<i>Magister militum</i>
- Mag. off.	<i>Magister officiorum</i>
- MOMMSEN	MOMMSEN 1904-5
- OGIS	Orientis Graecae Inscriptiones Selectae
- OLD	Oxford Latin Dictionary
- OPT., <i>App.</i>	OPTATUS, <i>Appendix</i> (ed. ZIWSA 1893)
- P. Giss.	Griechische Papyri im Museum des oberhessischen Geschichtsvereins zu Giessen
- P. Lond.	Greek Papyri in the British Museum
- P. Oxy.	The Oxyrhynchus Papyri
- P. Panop. Beatty	Papyri from Panopolis in the Chester Beatty Library Dublin (ed. SKEAT 1964)

- PHARR	<i>Cod. Theod.</i> transl. PHARR 1969 ²
- PLRE	Prosopography of the Later Roman Empire (MARTINDALE et al. 1971-1992)
- PPO	Praetorian prefect
- PSI	Papiri della Società Italiana
- PU(R/C)	<i>Praefectus urbi (Romae/Constantinopolis)</i>
- PVeh	<i>Praefectus uehiculorum</i>
- RAHAL	Revue des Archéologues et Historiens d'Art de Louvain
- RBN	Revue Belge de Numismatique et de Sigillographie
- RE	Paulys Realencyclopädie der classischen Altertumswissenschaft
- RHD	Revue Historique de Droit Français et Étranger
- RIC	Roman Imperial Coinage
- SEG	Supplementum Epigraphicum Graecum
- SIG	Sylloge Inscriptionum Graecarum
- Staatspost	STOFFEL 1994
- TAM	Tituli Asiae Minoris
- ThLL	Thesaurus Linguae Latinae
- <i>Vit. Mel.</i>	<i>Vita Melaniae</i> (transl. CLARK 1984)

*“... uerum egimus negotium temporis nostri et discussis tenebris conpendio breuitatis lumen legibus
dedimus...”*

Nou. Theod. 1.1

I. Introduction

Et quo celerius ac sub manum adnuntiari cognoscique posset, quid in prouincia quaque gereretur, iuuenes primo modicis interuallis per militaris uias, dehinc uehacula disposuit. Commodius id uisum est, ut qui a loco idem perferunt litteras, interrogari quoque, si quid res exigant, possint. (SUET., Aug. 49.3)

With these words, Suetonius comments on the creation of an information and transportation system that was unprecedented in Roman history. Its establishment at such a crucial time, however, should not surprise: following the advent of Augustus and the institutionalization of the Principate, Rome underwent a long process of increasing centralization of all government functions which eventually converged on the emperor himself. This process culminated in fundamental reforms under Diocletian and Constantine. In order to rule successfully, those holding the reins of power needed information – as much, as accurate, and as timely as possible – as well as the means to communicate their decisions to their subjects. To this end, Augustus founded the Imperial Information and Transportation System (hereafter IITS), known as *cursus publicus* in late antiquity.

The IITS was, in effect, a network of roadside stations superimposed over the existing infrastructure of the empire.¹ The framework within which it functioned and for whose support it was established was the central administration. Conceived initially as a means by which the speed of (imperial) correspondence could be accelerated, the IITS was soon used to transport officials and eventually even heavier goods for the government. Over the course of the following centuries, various aspects of the Roman Empire underwent a series of changes, partly as reactions to unforeseen internal challenges, partly on account of external pressures. Taken together, these changes necessitated and conditioned the reforms of the late 3rd and early 4th centuries, which marked a watershed period in the history of the Roman Empire. This very important time period can be limited more precisely to the reigns of Diocletian and Constantine (284–337).

The lasting impact that these *colossi* had on the Roman Empire in every respect still fascinates many scholars today: the first paper in a recent conference publication entitled

¹ In the following, I shall use the acronym IITS both to describe the system in the Principate as well as in general terms (i.e., encompassing both the Principate and late antiquity); the use of the term *cursus publicus* shall be restricted to the period beginning with Diocletian as that is when it appears in the sources.

Diokletian und die Tetrarchie states that “Diokletian wird [...] ans Ende einer Epoche gestellt, doch steht er ebenso am Anfang einer solchen, am Beginn der Spätantike. Er hat dem Imperium seine letzte, dann durch Konstantin geprägte Phase geschenkt.”² This statement also holds true for the IITS, which was subject to extensive reforms under those two emperors. The result was the establishment of a basis for a new IITS, the *cursus publicus*, whose consolidation took place under Constantine.

The seminal nature of this period notwithstanding, a comprehensive and up-to-date discussion of the IITS that explains particularly the transition from the 3rd until the late 4th century is lacking. In order to fill that gap, this thesis will show that, fundamentally, the IITS played an essential role in the ruling of the Roman Empire during the 3rd and throughout the 4th centuries, and that, as such, it was susceptible to broader constitutional and structural developments of the Roman Empire. The topic will be approached in two ways: first, by explaining the reasons for and the nature of the transformation of the IITS in the late 3rd and early 4th centuries; and second, through a comprehensive review of the history, structure, and functions of the *cursus publicus* in the 4th century, which will show that the central administration streamlined it to unlock its full potential, all the while reforming it in such a way that it operated with unprecedented efficiency by the late 4th century.

The scope of this thesis demands a brief consideration of periodization. With regards to the definition of late antiquity, scholarship has come a long way from Mommsen’s clear-cut differentiation between Principate and Dominate separated by a hard *caesura*. This view has given way to a more differentiated one with an emphasis on “successive transformation lasting several centuries.”³ This reassessment has its roots in the monumental monographs of ARNOLD H. M. JONES and PETER BROWN, but it was especially the latter who promoted the period of late antiquity “as an exciting time of change, a period of variety and creativity.”⁴ But while the 4th century would certainly qualify as falling into late antiquity, the first part of this thesis addresses the transition of the IITS into this time period. Many of the reasons for the transformation of the IITS into

² DEMANDT 2004, 9.

³ REBENICH 2009, 78.

⁴ JONES 1964 and BROWN 1971; for the concept of a “long” late antiquity, see CAMERON 2002; for the quote, *eadem*, 167.

the *cursus publicus* have their beginnings in the 3rd, some even in the 2nd century. Therefore, it is perhaps more fitting to situate the following in what is now generally known as “long” late antiquity. Broadly defined as beginning in the 3rd and lasting until the 7th century, it attempts to include precisely those periods in which the factors conditioning the transition into and out of late antiquity can be observed, thus emphasizing lines of continuity, the *longue durée*. In keeping with this goal, this thesis will focus on precisely the first two centuries of this “epoch of metamorphosis in the Mediterranean region” for reasons that will be expounded below (ch. I.2).⁵

In the first half of this thesis, I will thus highlight developments which resulted in an immense increase of the demands placed on the IITS, demands that clearly exceeded the capacity of the system as instituted by Augustus. More precisely, I will address the appearance of travelling courts, the changing legal framework of the empire, and finally the increased need for resources, both financial and otherwise, and the ramifications of these factors for the IITS. These chapters will be followed by a discussion of the steps undertaken by Diocletian and Constantine to reform the IITS and create the basic structure of a much more comprehensive system, namely the *cursus publicus*.

The second half returns to the close connection between the evolution of the *cursus publicus* and structural and constitutional developments of the Roman Empire. Particularly for the administration, the reigns of Diocletian and Constantine inaugurated a transformation whose completion was brought about only during last third of the 4th century. At the end of this development stood a ‘new’ administrative system. JOACHIM MIGL thus commented that “statt eines Modells, in dem die behandelte Epoche (i.e., the 4th century) die Jahrzehnte der Wandlung des einen Systems in ein anderes umfaßt, ist aber auch – und vielleicht passender – die Vorstellung anwendbar, daß der gesamte Zeitraum von der Tetrarchie bis zum Ende des 4. Jahrhunderts unter dem Zeichen der Improvisation und des Experiments steht.”⁶ By analogy, the reforms in the late 3rd and early 4th centuries merely created the basis on which the *cursus publicus* could develop, being repeatedly adjusted to the changing needs of the emperor and the evolving central and provincial

⁵ REBENICH 2009, 79

⁶ MIGL 1994, 149.

administration over the course of the 4th century. The consideration of this process will be the focus of various case studies in the latter chapters of this study.

I.1. History of Scholarship

Notwithstanding its apparent importance for the ruling of the Roman Empire, the IITS has received relatively little attention in scholarship to date. The earliest focused studies by JOSEPH NAUDET and ERNST E. HUDEMANN date to the 19th century and were followed by a variety of examinations in the early 20th century, starting with an extended encyclopedic article by OTTO SEECK and followed by WOLFGANG RIEPL's *Das Nachrichtenwesen des Altertums*. Published just over 10 years after SEECK's account, it fundamentally touched on various aspects of both Greek and Roman communication systems. On the basis of these pioneering works, further studies by ERIK J. HOLMBERG (*Zur Geschichte des Cursus Publicus*) and HANS-GEORG PFLAUM (*Essai sur le cursus publicus sous le Haut-Empire romain*) added to the debate. In his dissertation, the former (rather briefly) focussed on the history of the IITS from Augustus until past the fall of the Western Roman Empire; the latter limited his account to the Principate, but his findings, gained through the effective use of epigraphic sources, are particularly valuable with regards to the organizational structure of the IITS.⁷

With the exception of ERNST KORNEMANN's article which primarily combined the results of older scholarship with a critical eye, the following decades until the 1970s were largely devoid of any study of the IITS. In 1978, HUGH CHAPMAN submitted his (unpublished) dissertation on *The Archaeological and Other Evidence for the Organisation and Operation of the Cursus Publicus*, which represents the first serious attempt at an archaeological approach to the study of the IITS in combination with other cartographic sources (i.e., the *Itineraria Antonini* and *Burdigalense* and the *Tabula Peutingeriana*). While most of his results (with the exception of the archaeological evidence cited), like those of his predecessors, are now outdated, the next advancement in the study of the IITS came in 1976, when STEPHEN MITCHELL published the *editio princeps* of the Sagalassus inscription (SEG XXVI, 1392 [20/37]) which is still the only piece of evidence providing detailed information about the *modus operandi* of the IITS. Further, WERNER ECK contributed to the understanding of the *praefectura uehiculorum* again largely on the basis

⁷ NAUDET 1858; HUDEMANN 1878; SEECK 1901; RIEPL 1913; HOLMBERG 1933; PFLAUM 1940; see also HUMBERT 1887.

of epigraphic evidence in the context of his studies on the administration of Roman Italy during the Principate.⁸

In the 1990s, the study of the IITS during late antiquity gained momentum. Special mention must be made of PASCAL STOFFEL's valuable commentary on most laws of the Theodosian and Justinian Codes with bearing on the *cursus publicus*, to which he added a pioneering study of average travelling speeds on the basis of dispatch and receipt dates contained in the subscriptions of a number of constitutions.⁹ Only five years later, LUCIETTA DI PAOLA provided an exposition on the topic, although the value of her study lies predominantly in the discussion of some late antique literary sources (Libanius, Cassiodorus, and Philostratos). CHAPMAN's focus on the archaeological record was continued in several articles as well as ERNEST W. BLACK's study of *mansiones* in Roman Britain.¹⁰

For a comprehensive account, scholarship had to wait until 2000, when ANNE KOLB published her *Habilitationsschrift* on the *Transport und Nachrichtentransfer im Römischen Reich*. Taking into account the large volume of new primary evidence as well as secondary research that had appeared in the latter half of the 20th century, she set out to analyze the development of the IITS from Augustus until the 6th century, with the expressed intent to place these developments into the context of constitutional developments of the Roman Empire. Her efforts have yielded valuable results, particularly for the era of the Principate, and are currently the starting point for any scholarship on the topic.¹¹

In the wake of KOLB's work, CRISTINA CORSI's study of the stations of the IITS in Italy on the basis of both the literary and archaeological records, as well as several detailed analyses by SYLVIE CROGIEZ-PÉTREQUIN and others have shed light on individual points of interest. The latter include predominantly work on the abovementioned Sagalassus

⁸ KORNEIMANN 1953; ECK 1975; MITCHELL 1976; CHAPMAN 1978; ECK 1979. For important modifications his MITCHELL's results, see KOLB 2000 and fn. 12 below.

⁹ Some evidence for this study was already collected by JONES (1964, 402-3 with fn. 75), but was never systematically analyzed until STOFFEL. Studies of communication speeds have also been undertaken by RIEPL 1913, 123-240; RAMSAY 1925; ELIOT 1955; DUNCAN-JONES 1990; and KOLB 2000, 308-32.

¹⁰ STOFFEL 1994; DI PAOLA 1999. On the archaeological evidence, see CROGIEZ 1990a and 1990b; CORBIAU 1992; BLACK 1995. ECK 1994 briefly addressed the extent to which the IITS operated on waterways, a topic that had last been considered by HOLMBERG; the issue was tackled again by CROGIEZ 2002.

¹¹ KOLB 2000.

inscription, infrastructural aspects, as well as certain official associated with the IITS, such as *curiosi* and the *praefectus uehiculorum*.¹²

¹² CORSI 2001. Studies on the Sagalassus inscription: COŞKUN 2009; LEMCKE 2012; LEMCKE – COŞKUN 2013; infrastructure: CROGIEZ 2002 (operations of the IITS on the sea); CROGIEZ-PÉTREQUIN 2009a (terminology of roadside stations) and 2009b (identification of stations on the Great St. Bernard Pass); officials: CROGIEZ 2007 (PVeh); DI PAOLA 2009 (*curiosi*); finally, see also CROGIEZ 2003 on private letters as a source for the study of the IITS.

I.2. Reinterpreting the Evidence

With this review of scholarship on the IITS in mind, it seems appropriate to ask why the evidence deserves to be revisited. Indeed, the history of the IITS during the Principate has been discussed amply and comprehensively by recent scholarship, although a conspicuous absence of English scholarship on the topic apart from archaeological surveys is noteworthy.

The situation differs in some respects for the period defined above as “long” late antiquity, but not so much with regard to the primary sources: In this department, scholarship continues to depend largely on the law codes (Theodosian Code, Justinian Code), supplemented by collections of letters and papyri; in addition, for the 3rd century, one can also make use of some epigraphic evidence. Significant progress, however, has been made regarding the interpretation of these sources, especially the legal ones. In this regard, particular attention should be given to the important work of JOHN F. MATTHEWS, heralding more than a decade of intensive study of the Theodosian Code which has greatly advanced the understanding of this important source and will continue to do so. At the same time, the research of SEBASTIAN SCHMIDT-HOFNER on the reigns of Valentinian and Valens has not only fundamentally changed the perception of the legal separation between the two *partes imperii* after 363 but also yielded a revision of the *regesta* of those emperors in which he improved on the dates proposed by SEECK in several cases. In addition, some studies of the history of the praetorian prefecture have significantly contributed to the prosopography and historical development of this aspect of the Roman administration in the 4th century.¹³

Furthermore, WOLFGANG KUHOFF’s comprehensive monograph on Diocletian and JOHN DILLON’s thorough examination of the changes in the Roman judicial system under Constantine, to name but some works with bearing on these well-trodden paths of scholarship, merit attention for the study of the transformation of the IITS into the *cursus publicus*. A recent volume on the *Zeit der Soldatenkaiser* edited by KLAUS-PETER JOHNE, PETER EICH’s book on the development of a “personalen Bürokratie” in the 3rd century, as

¹³ MATTHEWS 2000. SEECK 1919; for new methodological directions for the use of the law codes, see COŞKUN 2002b; SCHMIDT-HOFNER 2008a and 2008b. On the *praefectura praetorio* in the 4th century, see PORENA 2003 and COŞKUN 2004.

well as the surge of scholarship on the legal system of the Principate in the 1990s – e.g., works by TONY HONORÉ, MICHAEL PEACHIN, and SIMON CORCORAN¹⁴ – have yielded important results for the period preceding this transition; of similar importance is KOSTAS BURASELIS’ study of the *Constitutio Antoniniana*, building partially on the detailed analysis of this document by HARTMUT WOLFF and followed in turn by a companion to an exhibition organized on account of its 1,800-year anniversary in Mainz.¹⁵

In the light of these advancements, a fresh look at the evidence for the *cursus publicus* is desirable and necessary, all the more as a comprehensive and up-to-date account of the transformation, its prelude, as well as the century following the watershed period described earlier remains a desideratum of scholarship on the IITS:

Firstly, those works covering the relevant time period generally lack precision when it comes to the identification of factors that necessitated the transformation of the IITS into the *cursus publicus*, and the same applies to accounts of the transformation itself in the first quarter of the 4th century. Indeed, scholarship has tended to gloss over this subject with rather sweeping statements: KOLB discusses them (briefly) in two places, while STOFFEL considers it “kaum möglich” to trace any of the developments of the IITS from the Principate to late antiquity with certainty, but his real focus in any event lies on the 4th and early 5th centuries, i.e., the period covered by the laws of the Theodosian Code.¹⁶ However, due to the importance of these factors in understanding the following transformation under Diocletian and Constantine, their study merits greater attention than it has received to date.

Secondly, for the period from the 4th to the 6th century, both KOLB and STOFFEL follow to varying degrees the negative view advanced by SEECK. He proposed that, in this period, the official focus lay not “auf Erweiterung des Postverkehrs,” but “auf immer grössere(r) Beschränkung desselben.”¹⁷ STOFFEL takes a more careful approach, stating that while the *cursus publicus* was “gewaltig ausgedehnt” in the early 4th century, it was successively reduced to its Augustan state, and certainly saw a great decline in the 5th and

¹⁴ None of these are considered by KOLB.

¹⁵ KUHOFF 2001; DILLON 2012; EICH 2005; JOHNE 2008. On the development of legislative and judicial procedures during the Principate: HONORÉ 1994², PEACHIN 1996; CORCORAN 1996. On the *Constitutio Antoniniana*: WOLFF 1976; BURASELIS 2007; PFERDEHIRT – SCHOLZ 2012.

¹⁶ KOLB 2000, 69-70 and 300-2; STOFFEL 1994, 7.

¹⁷ SEECK 1901, 1861.

6th centuries.¹⁸ KOLB is more explicit when she says that by the reign of Julian, there were noticeable “Anpassungen an den tatsächlichen Bedarf” as well as the limitation of the *cursus publicus* to “essentiell notwendige Anforderungen.”¹⁹ All of these assessments carry with them the sense that the decline of the *cursus publicus* started in the early 4th century, an assessment that, in my opinion, does not find confirmation in the sources and is fundamentally flawed as it understates the elementary nature of the connection between the administration and the *cursus publicus*. The result is a misinterpretation of isolated events, detached from the context of an almost century-long development at the end of which stood both a new administration, and a new *cursus publicus*.²⁰

¹⁸ STOFFEL 1994, 157-60.

¹⁹ KOLB 2000, 221.

²⁰ For similar criticisms, see COŞKUN 2002c.

I.3. Introduction to the Imperial Information and Transportation System

To discuss the transformation of the IITS into the *cursus publicus*, it will be helpful to provide a basic overview over the history of the IITS from Augustus until the 3rd century and beyond in order to be able to place the following chapters into a broader context.²¹

According to Suetonius, Augustus established a transportation and information system in the Roman Empire.²² Inspired by his experience with such a system in Ptolemaic Egypt and building on the practices that had already been in place for travelling officials during Republican times (e.g., the requisitioning of means of transportation from the local populace²³), he founded what is now commonly known as the *cursus publicus*, although this *terminus technicus* appears in the sources no earlier than 300 and should be avoided for this early period.²⁴ The system put in place eventually consisted of a comprehensive infrastructure.²⁵ Its purpose was to facilitate reliable and reasonably fast transportation and travel for a select few people rather than to function as a postal service for large parts of

²¹ Some results of this chapter are based on research I conducted for my BA-thesis during the Fall and Winter of 2011/12, entitled ‘Usage Rights of the Imperial Information and Transportation System from Augustus to the End of the 4th century’ as well as publications resulting from it (LEMCKE 2012; LEMCKE – COŞKUN 2013). See also KOLB 2000, 71-122 for the development of usage rights with updates in LEMCKE 2012 and LEMCKE – COŞKUN 2013 for the 1st century in particular; for financing, KOLB 2000, 123-51; for the organizational development, *eadem*, 152-205; for the infrastructure, *eadem*, 206-20.

²² SUET., Aug. 49.3: *Et quo celerius ac sub manum adnuntiari cognoscique posset, quid in prouincia quaque gereretur, iuuenes primo modicis interuallis per militaris uias, dehinc uehacula disposuit*. SEECK 1901, 1847 argues for the Persian system of *angaria* as an influence on Augustus (cf. HDT. 8.98); this is not entirely incorrect, as the Persian system directly influenced the Hellenistic empires of the Mediterranean, most importantly the Ptolemies, from whom the Romans most likely received the inspiration instrumental for the creation of the IITS (cf. KORNEMANN 1953, 996-7; KOLB 2000, 16-9 for the pre-Roman, and 20-48 for the Republican systems).

²³ Cf., for example, LIV. 42.1.11: So before he (Postumius) set out from Rome, he sent a dispatch to Praeneste: the chief magistrate was to meet him along the way, to provide, at public expense, a place for him to stay, and to supply pack animals upon his departure. Before this consul, no one was ever an expense or a burden to the allies in any way. (transl. CHAPLIN 2007)

²⁴ LACTANT., *De mort. pers.* 24.7; *Cod. Theod.* 8.5.1 [315] (among others); *Pan. Lat.* 7.7.5. For occurrences of the Greek equivalent, *δημόσιος ὁρῶμος*, see *P. Panop. Beatty*, 2.275 [300]; ATHAN., *Hist. Ar.* 20; PROCOP., *Vand.* 1.16; *Arc.* 30; LYDUS, *Mag.* 2.10 and 3.4.21; THEOD., *Hist. eccl.* 2.16.18. Similarly, COŞKUN 2002c.

²⁵ SUET. Aug. 49.3: [...Augustus] *iuuenes primo modicis interuallis per militaris uias, dehinc uehacula disposuit*. The system first put into place by Augustus thus consisted of young men of uncertain background (for a summary of the state of research on the identity of those *iuuenes*, see LEMCKE – COŞKUN 2013, fn. 7) who were posted in regular intervals along the major roads in a sort of relay system. Soon after, the first princeps determined that, in its existing form, the system did not suit his purposes and began the establishment of a new one which would allow a single messenger to deliver a dispatch by changing his means of transportation along the way. SUET., Aug. 49.3 provides the following rationale for this adaptation: *Commodius id uisum est, ut qui a loco idem perferunt litteras, interrogari quoque, si quid res exigant, possint*.

the populace.²⁶ To this end, Augustus began to create a network of roadside stations (*mutationes*), built in regular intervals (*modicis interuallis*) along most major roads (*uiae militares*²⁷).²⁸

Following the first report from Suetonius, the extant sources allow a reconstruction of the development as well as the *modus operandi* of the IITS during the first one-and-a-half centuries with reasonable certainty: users – those travelling on official business (*militantes*) – could requisition means of transportation at the abovementioned stations at very low prices. Most of them had to carry a permit (*diploma*), which they would receive from the provincial governor, the *praefectus uehiculorum* or the praetorian prefect in Italy (as it did not have a governor), or the emperor himself. From Claudius onwards, all users, with the possible exception of senators, needed to carry a permit. Since the reign of Vespasian, these could only be issued by the emperor, who provided his governors with a fixed number of permits in the beginning of every year. The overall responsibility for the administration and control of the IITS lay with the same individuals who had originally been permitted to issue *diplomata*, although the maintenance, staffing, and supply of stations were left to the municipalities.

From the early 2nd until the later 3rd century, however, sources for the IITS are limited to some rather generic and imprecise tidbits from the *Historia Augusta* as well as a few inscriptions and other material remains.²⁹ Lacking any evidence to the contrary, it seems that the system continued to exist largely unchanged in the form attested in the early 2nd century until the sources pick up again in the early 4th century: as will be shown in the

²⁶ STOFFEL 1994, 5-7 argues for a division of the IITS into a courier system (CP) and a transportation system (*angaria*) from its earliest days. This is not supported by any evidence. Most importantly, no sources until the 3rd century (see SEG XVI, 754 [200-37]; SEG XXXVII, 1186 [212/3]) attest the use of oxen (ch. II.1 below). For a convincing contra, see also KOLB 2000, 61.

²⁷ The exact definition of *uiae militares* is debated, but it seems to have been used primarily as a rhetorical term with the same meaning as *uiae publicae* rather than designating a distinct road class. Cf. PEKÁRY 1968, 10-3; RATHMANN 2003, 23-31; SPEIDEL 2009, 501-14.

²⁸ Cf. KOLB 2000, 49-53, 67. The terminology used throughout scholarship prior to KOLB's monograph – largely synonyms of 'postal service' – was already criticised by STOFFEL 1994, 3-4, but only KOLB consequently deviated from this rather misleading descriptor. Instead, she favours to use CP to describe the IITS at all stages of its organizational history. For problems and potential misconceptions associated with this strategy, cf. LEMCKE – COŞKUN 2013, ch. 1.

²⁹ See, for example, SHA *Hadr.* 7.5: *Statim cursum fiscalem instituit, ne magistratus hoc onere grauarentur*; *Pius* 12.3; *Sev.* 14.2: *uehicularium munus a priuatis ad fiscum traduxit*; TAM IV, 39 = AE 1955, 266 [3rd cent.] from Bithynia might indicate mixed financing/administration by the military and civil government; with doubts: KOLB 2000, 188-90. See also IGBulg III/2, 1690 = IGRR I, 766 [202] from Pizus, based on which MITCHELL 1976, 120 concludes a loss of authority for the municipalities. Contra: KOLB 2000, 127-8.

following (ch. II.2), it appears that the old system was transformed into the *cursus publicus* in the later part of Diocletian's reign. The IITS had been created for the facilitation of (official) messenger duties as well as, to a very limited degree, the transportation of tangible goods for the central administration. The transformation was undertaken in order to adapt the system to new transportation and communication demands. The sources then suggest that Constantine further subdivided this new system into two divisions: one dedicated to the fast travel of couriers (*cursus uelox*³⁰), the other created to increase the capacity of the central government to transport goods and individuals travelling with less urgency (*cursus clauulari(u)s*³¹). This new structure persisted throughout the 4th century. In the West, the *cursus publicus* was maintained until 475 and continued to exist to varying degrees in the new Germanic kingdoms, in the East until the late 5th century, when Leo I removed the *cursus clauulari(u)s* in large parts of the Empire, a process that ended in its complete elimination by the 9th century.³²

³⁰ For occurrences of CV, see *Cod. Theod.* 8.5.62 [401]. The Greek equivalent, *δρόμος ὀξύς*, can be found in *P. Oxy.* XXXIII, 2675 [318]; VI, 900 [321]; XVII, 2115 [341]; LI, 3623 [359]; LIV, 3796 [412]; LYDUS, *Mens.* 1.32; *Mag.* 3.61. For later sources cf. KOLB 2000, 52, fn. 4. For translations of CV, see STOFFEL 1994, 15: "Schnellpost;" KOLB 2000, 52: "Durchführung von schnellen Beförderungen."

³¹ For the term CC, see *Cod. Theod.* 6.29.2 [356], 5 [359]; 8.5.23 [365], 26 [365]. For the Greek equivalents, *δρόμος πλατύς* and *ὀξύς κλαβουλάριος*, see LYDUS, *Mens.* 1.31; *Mag.* 3.61. For translations of CC, see STOFFEL 1994, 15: "langsame Post;" KOLB 2000, 52: the CC "bot...umfangreichere Transportmöglichkeiten."

³² KOLB 2000, 221-5. See *Cod. Iust.* 12.50.22 [467/8] for the removal of the CC under Leo I; further limitations of the CP are attested under Justinian: LYDUS, *Mag.* 3.61: horses were no longer provided in the *dioecesis Asiana*; PROCOPIUS (possibly overstated): *Arc.* 30.8-11 (substitution of horses of the CP with mules; replacement of the land connection from Chalcedon to Dakibyza with the sea route from Byzantium to Helenopolis; reduction of the number of roadside stations in almost all of *Oriens*). The survival of the CP in the West after 475 is related in CASSIODORUS' *Variae*, cf. STOFFEL 1994, 157-9. See *Basilica* 56.17.22 for the 9th century.

II. From Imperial Information and Transportation System to *cursus publicus*: Transformation and Development from the Third to the Early Fourth Century

In the previous chapter, a broad overview over the history of the IITS was provided. The present section seeks to determine the factors that conditioned the development of the IITS particularly in the 2nd and 3rd centuries, culminating in its transformation into the *cursus publicus*. ‘Development’ here designates the process in which the IITS evolved as a reaction to constitutional and structural changes of the Roman Empire and to requirements of the central administration. The term ‘transformation’ refers to the creation of the *cursus publicus* with its two subdivisions under Diocletian and Constantine. During these seminal decades the structure of the IITS was significantly altered, and the basis for its evolution over the course of the 4th century was formed. This latter aspect will be the topic of the second part of this thesis.

In order to determine which factors conditioned the development of the IITS until that period of transformation (and after), the question of its application(s) must be answered first. As stated above, Augustus conceived the IITS to convey official documents and to transport officials. Did this arrangement remain the same until the end of the 3rd century? The first chapter of this section seeks to establish if that was indeed the case. A review of the epigraphic evidence from the 3rd century will show that by then, the IITS seems to have been increasingly employed to transport goods as well. On this basis, the following three chapters will identify and discuss factors which affected the central administration’s need for official correspondence, travel, and transportation. More specifically, they will cover, in turn, the effects of the increasing mobility of imperial courts, of changes in the legal framework of the empire, and of the increasing need for resources that the empire experienced particularly in the 3rd century. The final two chapters will then argue that on account of the increased need for official correspondence and transportation, Diocletian, who increased these requirements again through some of his reforms, established the *cursus publicus*, and that Constantine created its two subdivisions, the *cursus uelox* and the *cursus clauulari(u)s*.

II.1. The Third Century: Towards the Transformation

As stated above, the primary purpose of the IITS as established by Augustus was to serve as infrastructure by which couriers and officials could travel. However, epigraphic evidence suggests that another task, namely that of transportation of goods, was added to these in the 3rd century. Most revealing in this regard are two inscriptions, one from Sülümenli, the other from Takina, both located along the south-eastern border of the *prouincia Asia*: dating to the first third of the 3rd century, they provide the first testimonies for the use of oxen or ox-carts in the IITS prior to the 4th century. Indeed, the only other earlier piece of evidence addressing the means of transportation employed in the IITS, an inscription from Sagalassus in Pisidia of Tiberian date,³³ merely mentions donkeys (*asini*), mules (*mulī*), and carts (*carra*).

The first inscription, SEG XVI, 754 from Sülümenli, dates to 200 - 237.³⁴ It records three unique documents from that time period outlining different stages of a dispute between the communities of Anossa and Antimacheia about the provision of *ἀνγαρείαι*, i.e., vehicles and animals for the IITS, along certain intervals of four roads specified in the opening lines. A station (*μονή*) appears to have been located at the juncture of two of these. The villagers of Anossa, the plaintiffs, were complaining that they had been assigned unproportionally large road stretches in comparison to the Antimacheians, who were far wealthier. As both communities were located on an imperial estate, the dispute was adjudicated by the procurator in charge. The parts of the inscription which explicitly relate to the use of oxen, ll. 3-4 and 18, are provided below:

ll. 3-4: *Threptus proc. (dixit) αἱ ὁδοὶ αὗται ἃς λέγετε ἡμᾶς ὑπηρε- /⁴ [τεῖν...(c. 16)...]εἰσέχουσιν καὶ ποῦ πρότῃλα δίδεται;*

Threptus, the procurator, said: “The very roads for which you say we (you?) provide service ... [How far does the obligations] extend, and where are the teams of oxen (*πρότῃλα*, here used for the *angareia*) handed over?”

³³ SEG XXVI, 1392 [20/37] with MITCHELL 1976. For a complete list of relevant secondary literature, cf. LEMCKE – COŞKUN 2013, fn. 15.

³⁴ For the full text of this inscription along with a commentary, see FRENZ 1956. Further, PEKÁRY 1968, 135-8 and KOLB 2000, 96.

1. 18: [*Panas (dixit)* - - - - μ]έλλομεν ἀνγαρείας ἀπάγειν εἰς Ἀντιμάχεια(ν) πῶς ἔσται;

Panas said: “[But if] we must take *angareia*³⁵ to Antimacheia, how shall this be?”

Although the final verdict of the procurator can barely be deciphered, it seems that the burden of providing *angareia*, possibly to transport marble from the imperial quarries located close-by at Dokimion, was to be shared equally between the two villages in the future. Unfortunately, the Antimacheians ignored the stipulation, wherefore the inhabitants of Anossa requested a *stationarius* to rectify the situation. The dispute flared up once again in 237 but resulted only in the affirmation of the initial terms.

The second piece of evidence, SEG XXXVII, 1186, was found in Takina (south-west of the Burdur lake) and dates to 212/3.³⁶ Similarly to the inscription discussed above, the village was located on an imperial estate; indeed, it appears that the same procurator – Philocyrius – presided in both cases.³⁷ The issue appears to have been that soldiers had been forcing the villagers to provide oxen and wagons. The inscription contains the different stages of this dispute in five separate documents, the first of which is of greatest interest here (ll. 8-11):

τὸν αὐτὸν τοῦτον ἔξετε πρὸς τὸ καὶ τὸν³⁸ |⁹ μισθὸν τὸν ἐφ’ ἐκά[σ]τῳ τῶν μειλίων ἐπὶ
ταῖς ἀμάξαις ἀπο- |¹⁰ λαμβάνειν καὶ τ[οῦ]ς βοῦς κατὰ καιρὸν χωρὶς πάσης ἐργολα- |¹¹
[βί]ας ὑμεῖν [ἀποδίδ]οσθαι.

You will also have the assistance of this same person [i.e., the imperial procurator] in receiving the set rate for wagons per mile and that the oxen are given back in time to you without any dispute.

Although this inscription does not contain specific references to the IITS, the arrangement (charging per mile for the use of carts) mirrors that attested in the Sagalassus inscription so closely that such an interpretation seems justified. This view is further supported by the fact that the goods to be conveyed probably belonged to the fisc, as well as by the

³⁵ FREND 1956, 51 interprets *angareia* as standing for the aforementioned “oxen and carts.”

³⁶ See HAUKEN 1998, 217-43 with references to further literature. HAUKEN’s translation will be used in the following.

³⁷ In SEG XVI, 754, Philocyrius was involved as procurator alongside Threptus and Novellius.

³⁸ HAUKEN 1998, 237 interprets this apparently unique construction in Greek literature as ἔχω τινὰ πρὸς τό + inf. = to have somebody as guarantor for something (to be done).

involvement of the imperial procurator, which precludes that this dispute revolved around private transportation business.³⁹

In order to explain the variation in means of transportation between these two inscriptions and the one from Sagalassus, one could advance the theory that their availability depended on the topography of the surrounding area. The lack of oxen in the latter may thus be explained with the mountainous terrain around the town, which was unsuitable for ox-carts. However, in the other two cases, the communities in question were likewise located in very mountainous areas of central and south-eastern Anatolia, and thus the lack of oxen in the former inscription did not hinge on topographic factors; rather, it seems that by the early 3rd century, the IITS had begun to be used to transport goods for the government to some degree. The sources from the 4th century show the culmination of this trend by attesting the commonplace use of the *cursus publicus* for exactly that purpose (ch. III.5.3).

Therefore, in the search for factors necessitating the transformation of the IITS, it is necessary to identify developments within the Roman Empire that resulted in an increase not only of the volume of official communication, but also of the need of transportation for official purposes. To this end, the following sections will focus, in turn, on the growing mobility of emperors and their courts, the changing legal framework of the Roman Empire in the 3rd century, and finally the growing need for resources, all of which culminated in the reforms of Diocletian and Constantine.

II.1.1. Mobility of the Imperial Court(s)

The Flavian emperors, much like their Julio-Claudian predecessors, spent the majority of their time with their courts in Rome. During wars or other emergency situations, a close relative or a general would be dispatched, while the emperor himself only ventured close to the battlefield very rarely.⁴⁰ Under the first two Antonines, this situation began to change.

³⁹ SEG XXVI, 1392 [20/37], ll. 8-10. Involvement of fisc: KOLB 2000, 96, who suggests reading *fisci speciebus* in the end of l. 17; ŞAHİN – FRENCH 1987 read [- - - - - ?*sacri*]nis solui quascumque in transferendis fiscis[. . . .]; HAUKEN 1998: [- - - - - uica]nis solui quascumque in transferendis fiscis[. . . .].

⁴⁰ Cf. HALFMANN 1986, 15-34 for the Julio-Claudians: While Augustus travelled relatively frequently in order to establish order within the recovering provinces of the empire and connections with potentates in those provinces, this activity became less frequent in the later parts of his reign. Tiberius, who was always very reluctant to depart from Rome, never left Italy after the death of his sons. In fact, leaving Rome was considered a sign of weakness of the emperor (*idem*, 31). See *idem*, 35-7 for the Flavians: Vespasian intended

Trajan famously conducted his campaigns in Dacia, and Hadrian was renowned for his constant travelling in all parts of the empire for both private and official reasons. Antoninus Pius' reign, on the contrary, was largely peaceful and uneventful, wherefore this emperor remained rather stationary in Rome. Travelling activity peaked again under Marcus Aurelius, who was forced to take a more active hand in military matters and spent large amounts of time on the road, before it abated once more under his successor Commodus, who allegedly never left Italy after 180.⁴¹ The Severan emperors made it their expressed priority to maintain the loyalty and support of the army before all else in order to sustain their rule. Unsurprisingly, then, the first emperors of that dynasty tended to spend large amounts, if not the vast majority, of their time away from the capital with the army.⁴² This general shift of power from the center (Rome) to the periphery was even more prevalent in the years of the barrack emperors, most of whom did not even enter the capital a single time in their short reigns.⁴³

However, as the highest authority in all matters of government, the emperor never ceased to be responsible for any aspect of executive, judicative, and legislative tasks. On the contrary: as several studies have shown, this assessment is particularly true for the 3rd century. While the emperor had always been the highest power in the empire, the people as well as imperial officials in the provinces, appear to have perceived him increasingly consciously as the focal point in legal matters over the course of the first two centuries. As TONY HONORÉ and MICHAEL PEACHIN have shown, this development was in large parts due to changes in the rescript system, which in turn was intimately linked with the appeal system. The latter allowed all Roman citizens recourse to the imperial court to challenge a decision reached in trial before a governor (see below, ch. II.1.2). In short, as the perception increased that all legislative (and judicial) power converged in the person of the emperor, the judicative extensions of that centralized power (provincial governors), due to

to provide the empire with “Ruhe und Festigkeit” and demonstrated this through his physical presence in Rome. Domitian began to change the image of the emperor by taking a more active role in the leadership of the army, which had a great influence on the reigns of subsequent emperors.

⁴¹ According to HALFMANN 1986, 38, Trajan indeed surpassed the new standard set by Domitian by engaging even more actively in military campaigns. For Hadrian and the Antonines, cf. *idem*, 40-50. For Hadrian in particular, see also SYME 1988.

⁴² HALFMANN 1986, 50-4. For the travelling activity of the Severans and the diminishing status of Rome as the political center during that time, cf. CORIAT 1997, 175-84; KEMKES 2012.

⁴³ HALFMANN 1986, 54-6.

a combination of the systemic iniquity of the courts which favoured the wealthy and influential and a serious lack of legal education of the judges, were bypassed with increasing frequency, or their sentences were appealed against in the hope of receiving a more favourable decision from a higher authority. Both options led to an increasing amount of legal matters being forwarded to the imperial court, resulting in a “dazzling crush of business” for the reigning emperor. The reaction, as PEACHIN has shown, was the nomination of *iudices uice Caesaris* who could judge in the emperor’s stead and thus alleviate some of the workload.⁴⁴

The logical consequence was that, on their journeys, emperors always had to be accompanied by mobile courts in order to carry out their herculean task: a full panel of advisors was necessary as well as the members of all *scrinia* to cope with all clerical duties, such as handling incoming and outgoing correspondence and disseminating imperial decisions. The latter can be exemplified with some petitions that were delivered to Rome and thence dispatched to Caracalla who was on campaign in Germany at the time; the answers were subsequently sent back to Rome to be returned to the petitioners.⁴⁵ While the method of conveyance is not touched on in this specific case, it seems likely that the IITS was used. In addition to the direct repercussions on the IITS as described in the last example, this development created other logistic challenges: the courts needed to be supplied, not only with food, but with all kinds of materials necessary to remain functional. A significant part of these requirements were covered through stockpiles of supplies prepared ahead of time, locally through (extraordinary) requisitions, or through voluntary offers by wealthy inhabitants of the cities, in which the emperor stopped. At least the stockpiling of supplies, some of which probably had to be transported from relatively faraway locations, significantly increased the need for a comprehensive and close-knit network of supply-lines as well as transportation in general.⁴⁶

II.1.2. Changes in the Legal Framework

⁴⁴ For this development, see CORIAT 1997, 446-7; on the appearance of *iudices uice sacra*, see PEACHIN 1996, esp. 1-91; for the rescript system, cf. HONORÉ 1994², 1-70 and CORCORAN 1996, 43-74 and 95-122; for the quote, see PEACHIN 1996, 10.

⁴⁵ NÖRR 1981, 33-7.

⁴⁶ For this paragraph, cf. particularly HALFMANN 1986, 151-6 and COŞKUN 2002c.

As outlined above, it was particularly the combination of changes in the legislative and judicial framework that, together with a general need for emperors to travel, resulted in the requirement of mobile courts. But the former developments also had direct effects on the IITS. Since Augustus, the Roman judicial system had offered Roman citizens involved in litigation the option of appealing a sentence before the emperor in order to provide their sacred judgement. In addition, emperors had always been approached by private citizens in legal matters with petitions in order to clarify or enforce law. The responses to such petitions, called *rescripta*, were either returned to the petitioner in person, were posted in a public place for copying, or were dispatched via the IITS.⁴⁷ This system gained in importance over time, resulting in an ever increasing flow of communication to and from the imperial court. Petitions were most commonly made in person, but sometimes also by letter. Either way, the use of the IITS for particularly urgent cases might be granted; in addition, a messenger dispatched by the governor could have been furnished with a *diploma* if the case was of particular interest. However, the actual volume of cases tried by governors will have been limited initially as they mainly presided in cases that involved Roman citizens.⁴⁸

Such was the situation until late 212, when Caracalla passed the *Constitutio Antoniniana*,⁴⁹ resulting in the extension of Roman citizenship to all free people living within the boundaries of the Empire.⁵⁰ Since Roman law applied to Roman citizens only, this fundamental reform now extended it into the provinces on an unprecedented scale. The result, as BURASELIS summarized, was the following: “Nach 212 wurden die lokalen Rechtssysteme nicht generell abgeschafft, sondern dem römischen Recht unterstellt, eingegliedert, und angepasst, sodass sie etwa den Charakter eines offiziell sanktionierten Gewohnheitsrechts annahmen.“ Overall, he continues, “das Ergebnis dieser Entwicklung war am Ende die weitgehende und im gesamten Reichsgebiet wirksame Gültigkeit des römischen Rechts bis in die Zeit Justinians und zwar sowohl als Prinzip als auch in der

⁴⁷ On imperial communication in general, see MILLAR 1977, 213-72 and 328-41; on its dissemination, cf. CORIAT 1997, 608-20.

⁴⁸ On the jurisdiction of governors during the Principate, see GARNSEY 1968; ECK 1995, 335-8; *idem* 1997, 119-21; and HORSTKOTTE 1999.

⁴⁹ As an introduction to the CA with references to further scholarship, see BURASELIS 2007, 1-13; for the dating, see most recently KUHLMANN - BARNES 2012, 51-2.

⁵⁰ Scholarship has generally accepted that the number of citizens increased exponentially as a direct result to the CA. On this topic, see BURASELIS 2007, 94-120 and PFERDEHIRT – KRACKER – SCHOLZ 2012, 67-75.

Sache, jedoch bereichert um Aspekte und Auffassungen hellenistischen und lokal-ethnischen (d.h. gewohnheitsrechtlichen) Ursprungs.⁵¹ Of course, the transition to these new conditions did not happen overnight, especially given, e.g., the lack of proper legal schooling of office holders;⁵² rather, it must be thought of as a process taking years and years of experimenting. The direct result was probably more alike to the “Rechtevielfalt und Unsicherheit” described by WOLFF, a new state of affairs with which the imperial administration had to cope.⁵³ A further factor at the base of the sky-rocketing volume of petitions was that there existed no (official) collection of imperial pronouncements (except for a relatively comprehensive repository at the imperial court) which a judge might peruse in cases of doubt. In order to obtain such information, governors therefore had to send to the emperor to obtain the relevant information.

In a nutshell, emperors successively concentrated almost all legal authority in or around themselves, while simultaneously promoting a “größere Ausdifferenzierung der Rechtsbereiche” and a “Präkodifizierung des Rechts.”⁵⁴ Thus, the growing complexity of the legal system was accompanied by a centralization of the jurisdiction with the emperor as its focal point. As a result, a ‘degradation’ of officials to purely executive organs of the emperor in legal matters was taking place.⁵⁵ As these latter changes were a direct consequence of the almost continuous travelling of emperors, they began to develop chiefly with the onset of the Severan dynasty.⁵⁶ All of these factors point towards a loss of independence among the provincial governors in judicative matters concurrent to a

⁵¹ BURASELIS 2007, 137-8; similarly, WOLFF 1976, 80-109. This interpretation of the “coexistence” of local law and Roman *ius civile* would be supported by the new reading of *P. Giss.* 40 suggested by BARNES (in KUHLMANN – BARNES 2012, 51-2).

⁵² PEACHIN 1996, 33-65.

⁵³ WOLFF 1976, 109.

⁵⁴ EICH 2005, 373.

⁵⁵ EICH 2005, 377-81, following CORIAT 1990 and 1997. According to RATHMANN 2003, 84, a similar trend can be observed in the administration of building projects: from the geographically and chronologically continuous sequence of governors’ names on milestones under Septimius Severus, he concludes the existence of a “provinzübergreifenden” building program in the context of which the governors were only “ausführende Organe” of the emperor. Another example of this trend is the appearance of *iudices uice Caesaris* who acted as representatives of the emperor to ensure the optimal functioning of the appeal system (PEACHIN 1996). This process was brought to completion under Constantine, cf. DILLON 2012, ch. 7. See also WILLIAMS 1985, 143-4 for the increased necessity for governors to correspond with the emperor for clarification in legal matters.

⁵⁶ CORIAT 1990, 223-5. These developments led to the first works of codification under Diocletian, the *Codices Gregorianus* and *Hermogenianus*, and eventually to those under Theodosius II and Justinian (*idem*, 237).

growing complexity and volume of cases in their courts, resulting in a far greater dependence on regular, reliable, and quick communication with the political center. It stands to reason that most of this correspondence would have been dispatched via the IITS.

II.1.3. Increasing Need for Resources

While the effects of the *Constitutio Antoniniana* were without a doubt felt primarily in the judicial system, the constitution may also have had an immediate impact on the Roman economy. If one believes CASSIUS DIO, it is possible that Caracalla enacted the *Constitutio Antoniniana* at least in part with a view to increasing revenues from certain taxes levied only on Roman citizens, i.e., the inheritance tax (*uicesima hereditarium*, 5%), the tax on freeing a slave (*uicesima libertatis*, 5%), the tax on selling slaves (4%), and a tax on proceeds from auctions (*centesima rerum uenaliu*, 1%).⁵⁷ Nevertheless, scholars generally agree that the additional income gained from these due to the extension of citizenship was relatively small.⁵⁸ In any event, the allegation may be taken as an indicator that the Roman Empire was in need of resources, financial and otherwise.

A reason for this need was certainly the constant warfare of the 3rd century, which consistently imposed very high demands on the resources of the Empire. In order to cover the upkeep of a growing army (and administration) with constantly rising levels of pay, the currency was successively devalued by decreasing the standard and simultaneously introducing new coins with higher nominal value, the *Antoninianus* and the *Aurelianus*.⁵⁹ The former, introduced by Caracalla, had the nominal value of a double *denarius* but the weight of only roughly 1.5 *denarii*. The latter was created by Aurelian in order to replace the almost completely devalued *Antoninianus* either by giving it a new nominal value (20 sesterces = 1 *Aurelianus*), by fixing an exchange rate which was completely unacceptable

⁵⁷ KUHOFF 2001, 484-5. On the taxes, see TINNEFELD 2001, 983.

⁵⁸ WOLFF 1976, 63 and 79 concedes that some fiscal interest, however small, probably did play a role; with doubts about the extent of the new revenues, see RUFFING 2008, 831. On the effects of the CA on the head-tax which had only been applicable to those living in the provinces, see further BURASELIS 2007, 143-57.

⁵⁹ For developments in army size and pay, see GRANT 1974, 257; WASSINK 1991, 483; SPEIDEL 2009, 349-80; KUHOFF 2001, 448-83, who argues for an average nominal strength of 400,000 men (452); see *idem*, 451, fn. 1066 for more scholarship on the topic; EICH 2005, 368, fn. 1 further points towards the increasing *de facto* requirement for new emperors to pay ever increasing *donatiua* to the army upon being voted emperor (CASS. DIO 77.1.1 attests *donatiua* of 10 *aurei* which Septimius Severus paid out to the every eligible citizen and praetorian in Rome in 202, a total of about 50 million sesterces!). As they always had to top their predecessors, he considers this as another factor for the increasing expenses of the central government. For an expansion of the administration beginning under the Severans, see RUFFING 2008, 829.

for the populace (20 *Antoniniani* for 1 *Aurelianus*).⁶⁰ In any event, mass minting of coins almost devoid of precious metals on account of the continuously decreasing standard combined with an overall drop in the quality of workmanship gradually led to a complete loss of faith in the currency. The result was a time of soaring inflation that began in the late 260s or early 270s and lasted until the late 3rd and early 4th centuries.⁶¹ In effect, currency was rendered increasingly worthless, and the central government started to cover more and more of its expenses through extraordinary requisitions (*indictiones extraordinariae*) of tangible goods. This *de facto* irregular taxation was recognized as essential and subsequently organized and regularized under Diocletian.⁶² Though later sources attest that most of these goods had to be transported by the populace part or all the way to their destination (e.g., collection stations or other recipients),⁶³ there are several laws attesting to the transportation of *species publicae* with the *cursus publicus*, which may well have referred to goods received as part of the *annona*. This seems all the more possible as some of the sources in question refer to clothing and uniforms, both of which could be obtained through the *annona* or imperial factories (*fabricae*).⁶⁴ In any case, the proceeds gained through (irregular) in-kind taxation had to be transported to wherever they were needed; particularly when the goods were not collected by the troops which needed the supplies, they had to be distributed to various places in the empire.

⁶⁰ EHLING 2008, 856-8. These two interpretations spring from a special marking which can be found on all *Aureliani*: XXI. Most recently, ESTIOT 2012, 546 proposed another interpretation, namely that the ration of 20 to 1 was indicative of the silver content of the *Aurelianus* (5%), such that 20 *Aureliani* would equal 1 *Argenteus* (100% silver) in an attempt to reintroduce a “trimetallic gold/silver/bronze system.”

⁶¹ The effect of Aurelian’s monetary reform is controversial, but a more in-depth discussion of this topic would go beyond the scope of this thesis. I therefore refer to some further literature on the topic: for an overview over the monetary policy under the Severans, see CHAMEROY 2012; WASSINK 1991, 483-6 for Aurelian’s monetary reform and its failure to cope with the inflation; similarly, DEMANDT 2007², 55; this reform as the cause of hyperinflation: RUFFING 2008, 820-5 and EHLING 2008, 856-60; hyperinflation under Diocletian: WASSINK 1991, 490-2. For the interpretation that inflation peaked in the 260s, and that Aurelian’s reform put a halt to it, see KUHOFF 2001, 515-20 with references to further literature in fn. 1173. On the decreasing quality of coinage and its effects in combination with mass issues, cf. EHLING 2008, 852-4. Most recently on the monetary situation in the third century: ABDY 2012 (Severans), BLAND 2012 (238-74), and ESTIOT 2012 (Aurelian – Diocletian).

⁶² JONES 1964, 44-5; NEESEN 1980, 156 and 158-9.

⁶³ *Cod. Theod.* 8.5.33 [374]; cf. KOLB 2000, ch. 3.1 for the transportation of the *annona*.

⁶⁴ E.g., HERZ 1991, 162, fn. 2; see also *idem*, 170 with the assumption that grain procured through the *annona* was stored at *mansiones* and thence transported to a port with the CC. On the transport of *species publicae*, see below ch. III.5.3. On *fabricae*, see JAMES 1988, although his argument for the tetrarchic period as *terminus post quem* for their establishment is not fully convincing.

It is, moreover, possible that the IITS began to be employed for the transportation of precious metals and other resources essential for the central administration (maybe related to the increased need for those resources due to large-scale coin issues under the Severans, or between 266 and 274).⁶⁵ KOLB considers this an explanation for the appearance of regional *praefecti uehiculorum* in the Gallic and Germanic provinces⁶⁶ or *collegia* of the same officials assigned to specific roads⁶⁷ throughout the 3rd century.⁶⁸ This development coincided roughly with the disappearance of municipal and provincial mints that produced coinage for local needs; under the Severans, minting of imperial coins took place in Rome, and the following decades saw the (re-) opening of various (imperial) mints throughout the empire while non-official ones were closed.⁶⁹

Therefore, the central administration had to manage the distribution of money and goods to anyone on its payroll, particularly the army. Unfortunately, the sources do not explain how these monetary and nonmonetary goods were conveyed. This said the Theodosian Code attests that, in the 4th century, tax money and certain goods procured through the *annona* were at times transported with the *cursus publicus*.⁷⁰ Of course, given the extant sources, it is entirely impossible to attempt to quantify the extent to which the IITS might have been used in this context. However, lacking any evidence to the contrary, one can safely assume that, during times of need or to avoid bottlenecks, the central government would have made use of the resources of the IITS to ensure that these goods arrived where they were required.⁷¹

⁶⁵ EHLING 2008, 854, fig. 2.

⁶⁶ CIL III, 6075 [under Severus or Caracalla]: *Moesia Superior* and *Pannonia*; CIL VIII, 12020 [244-8]: *Belgica* and *Duae Germaniae*; CIL VI, 1624 [268 or later] and VI, 1641 [late 3rd cent.]: *Tres Prouvinciae Galliae*.

⁶⁷ CIL VI, 31338a [214]: three PVehs for the *uia Appia*, *Traiana*, and *Annia*; CIL VI, 31369 [226]: three PVehs for streets leading through *Histria*, *Venetia*, and *Transpadana*; CIL VI, 31370 [226]: three PVehs for the *uia Appia*, *Annia*, and *Aurelia Noua*.

⁶⁸ KOLB 2000, 156-7: Iron and lead were imported from Gaul (the empire's most important coin mint was in Lugdunum), weapons, gold, and silver from the Danube provinces, and tin, lead, and silver from Britain. HALFMANN 1986, 77 posits that the PVehs were responsible for organizing the journeys of the emperor and his court. For a convincing contra to this argument, see KOLB 2000, 156. For an interpretation of the PVehs assigned to specific roads, see PFLAUM 1940, 102; with some cautionary remarks, he is followed by ECK 1979, 101. Similarly, KOLB 2000, 158-9. See also CROGIEZ 2007.

⁶⁹ EHLING 2008, 847-8 and BLAND 2012, 526-31.

⁷⁰ CASS. DIO 77.9.5. Later transports of tax proceeds: *Cod. Theod.* 8.5.13 [362], 18 [364], 20 [364], 33 [374], 48 [386].

⁷¹ Cf. also ch. III.5.3 below for the later transportation of tax-money via the CP. PFLAUM 1940, 95 argues that the CP was used to transport the *annona militaris*, an in-kind tax used to supply the army from the Severan dynasty onwards (following VAN BERCHEM 1937, and, in a slightly revised form, *idem* 1977). They are

followed by WALSER 1969, 101-3 and ECK 1979, 102. However, NEESEN 1980 was able to show that the *annona militaris* as a dedicated tax for the army never existed. In-kind taxation was formalized only under Diocletian, although the use of the *annona* in the form of extraordinary requisitions to cover short-term supply bottlenecks began under the Severan dynasty. Similarly KOLB 2000, 68-9, who considers the use of the IITS to transport in-kind taxes questionable, but cannot disprove it.

II.2. Changes under Diocletian

When Diocletian made his bid for the imperial purple in 284, the turmoil and neglect of decades of internal and external strife had significantly damaged the infrastructure of the empire. In addition, these same factors had occupied so much of the emperors' attention that their central role in the rescript system had been largely left vacant (if they had been in power long enough to be confronted with it!). The resulting backlog made for an extraordinary workload in the beginning of Diocletian's reign, and, combined with the other developments described in the preceding chapters, created the need for both a general overhaul of the existing information and transportation system and the creation of a more comprehensive one to cope with the new demands.⁷² This need was further amplified through several actions taken by Diocletian once he was firmly settled in and consolidating his power.

Most famously, he institutionalized the tetrarchic system, the consolidation of which began with the elevation of Maximinianus to Caesar in 285 and lasted until roughly 303.⁷³ In terms of logistics, there now existed a total of four imperial courts (not counting those of Carausius or Allectus) which needed to be supplied while the Augusti and Caesars travelled within the part of the empire assigned to them.⁷⁴ Moreover, in the context of the tax reform (see below), Diocletian began the process of subdividing the old provinces and grouping some of them into larger financial districts headed by procurators.⁷⁵ In many cases, these areas would later form the diocese which developed as administrative districts in the course of the 4th century. This reform resulted in almost a doubling of the number of provinces, all of which had their own governors, who in turn needed a staff of officials to carry out their duties. In addition, deputies for various magistrates, most importantly the

⁷² Similarly, JONES 1964, 46.

⁷³ Since the tetrarchic system did not survive Diocletian long, its effect on the transportation requirements was lessened in the long-term. Of course, the years after the abdication of Diocletian (306-312) saw an inflation of emperors, followed by four Caesars under Constantine, each of whom had his own court, albeit possibly on a smaller scale than the Augustus. After 337, the number of co-ruling Augusti (not counting usurpers) never exceeded three.

⁷⁴ Cf. HALFMANN 1986, 56 for the travelling activities of the tetrarchs; on the courts of the Caesars, see CORCORAN 1996, 268-9.

⁷⁵ BARNES 1982, 224-5 advocates the view that Diocletian "ordained the division of provinces and the creation of dioceses in 293 at a single stroke." However, a more drawn out process, extending over the reigns of Diocletian and Constantine seems more likely, cf. JONES 1964, 42-3 and 372-3; DEMANDT 2007², 296-7. Particular attention should be given to KUHOF 2001, 338-70 who provides a thorough discussion for each individual province.

praetorian prefects began to appear with increasing frequency in the late 3rd century, and each of these officials, analogous to the provincial governors, required their own staffs.⁷⁶

This last measure is connected to another aspect of Diocletian's administrative reform, namely the separation of military and civil functions throughout all layers of the administration. This process had started in the second half of the 3rd century and was largely completed under Constantine,⁷⁷ but certainly resulted in a significant enlargement of the Roman administration already during the reign of Diocletian, estimates for which vary between 16,000 and 31,000 new posts.⁷⁸ Whatever the exact number, the inflated size speaks for a much more complex administrative body than that attested previously. The division of responsibilities naturally also added to the ranks of the military administration, which thus expanded concurrent to a general enlargement of the army.⁷⁹ On a very basic level, all of these steps significantly added to the number of posts to be filled in regular intervals. Combined with the increase of vertical mobility in the administration and the number of individuals whose careers would include an intermediate phase at court, the result was to a significant expansion of the number of users of the IITS. On the one hand, these individuals would use it to travel to and from the imperial court at least when they were following orders of the emperor; on the other, the correspondence between them and the court, at least when it originated there, would most likely have been conveyed via the IITS.

The effects in terms of transportation and communication were even more far-reaching. Soldiers had to be paid and supplied with rations and other necessities. The solution was a regularization of *indictiones extraordinariae*, which had become

⁷⁶ For the staffs of governors, see EICH 2005, 356-9.

⁷⁷ JONES 1964, 43-4; NOETHLICH 1981, 24-6; DEMANDT 2007, 98. See also GLAS – HARTMANN 2008, 654-72.

⁷⁸ EICH 2005, 355-9; the split can be retraced, for instance, in the continuous stripping of the PPO of his military power and confinement entirely to administrative and judicial areas whereas the *mag. off.* and the quaestor took over responsibility for imperial correspondence and the *scholae palatinae* (COŞKUN 2004, 280; for the *mag. off.*, cf. CLAUS 1981). The effective numerical strength of the bureaucracy under Diocletian is uncertain. Estimates for the empire-wide number of additional posts range from ca. 31,000 (EICH 2005, 358, fn. 1; JONES 1964, 52, fn. 26) as the upper limit to 16,000 (MACMULLEN 1964). WILLIAMS 1985, 109 estimates the cost of the expanded administration was equivalent to two to three new legions.

⁷⁹ Similarly, KOLB 2000, 69. The quadrupling of the army size attested in LACTANT., *De mort. pers.* 7.2 is most certainly an overstatement. GRANT 1974, 277 and WILLIAMS 1985, 97-8 propose an increase from 350,000/400,000 to 500,000 men from the Severans to Diocletian. Thus also DEMANDT 2007², 304-5. Whatever the exact number, scholars generally agree that the army size increased. Cf. JONES 1964, 59-60; SOUTHERN – DIXON 1996, 17.

increasingly frequent over the course of the 3rd century, in the form of a new system of taxation, the *iugatio-capitatio*.⁸⁰ The principles, rules and regulations of this taxation system had to be communicated to the members of the civil administration and the city councils responsible for collecting it. Thus, while the transportation requirements of the central administration clearly rose, so did the necessity for and the volume of official communication.

Last but not least, Diocletian also involved the central government to a much larger degree in the production of certain goods, such as weapons, armour and clothing, through government-run *fabricae*.⁸¹ Products from these, at least when destined for the imperial court and the army, were transported with the *cursus publicus* in the (later) 4th century, and there is no reason to believe that Diocletian did not already intend to use the system he called into life to this end on occasion.⁸²

Understanding the need not only to revolutionize the IITS in general, but also to control its resources much more tightly in order to accommodate his reforms, Diocletian restructured the existing system in the latter half of his reign and created the *cursus publicus*. This much at least is suggested by the terminology employed in the sources: ARCADIUS CHARISIUS, *magister libellorum* under Diocletian around 300,⁸³ employs the term *cursus uehicularis*, which seems to reflect a transitional stage, whereas the Greek equivalent of *cursus publicus*, *δημόσιος δρόμος*, is attested in a papyrus of the same year.⁸⁴ Whatever the exact date, the new system was no longer one almost exclusively geared towards reliable and reasonably fast delivery of messages; instead, ox-carts (*angariae*) were used systematically to meet the new transportation requirements of the central government. Not only can oxen drag much greater loads than mules, donkeys, or horses, but they are also less costly to feed and maintain.⁸⁵ However, because they were slow, they

⁸⁰ JONES 1964, 61-5; KUHOFF 2001, 484-504; DEMANDT 2007², 68.

⁸¹ JONES 1964, 834-9; for references to primary sources attesting arms factories, see *ibid.*, fn. 25; for clothing factories, see *ibid.*, fn. 29; see also above, fn. 63.

⁸² So also KOLB 2000, 70 with fn. 1.

⁸³ GIARO 1997.

⁸⁴ See above, fn. 24. For the use of *cursus uehicularis*, see *Dig.* 50.4.18.4. For the interpretation of this use as representing a “Übergangsstadium” between the old and new terminology, cf. KOLB 2000, 51. Also note the use of CP in POMPONIIUS PORPHYRIUS’ commentary on HORACE (2.2.72.5), most likely written in the (early?) 3rd century, although the authenticity the sentence in which it appears has been questioned, cf. KOLB’s reference to HELM 1952, 2414 in fn. 4.

⁸⁵ SCHNEIDER 1985, 461-83 on oxen.

could cover much shorter distances than the other animals just mentioned. As a result, the early 4th century must also have seen a significant expansion of the extant system of roadside stations to accommodate the *angariae*, culminating in the infrastructure attested in the *Itinerarium Burdigalense* [333].⁸⁶

⁸⁶ Thus also COŞKUN 2002c. On the *It. Burd.*, see below ch. III.1.

II.3. Completion of the Transformation under Constantine

It is unclear whether Diocletian had already planned the further specialization of the *cursus publicus*. However that may be, the extant sources suggest that Constantine took this second step and created two specialized sub-divisions for it: first, the *cursus uelox* as a means to facilitate quick communication through couriers; second, the *cursus clauulari(u)s*,⁸⁷ which was used to transport government goods and to facilitate travel of officials and other authorized individuals. The dating of this final stage into the reign of Constantine is corroborated by several pieces of direct and circumstantial evidence.

First, the admittedly very few direct indicators which can be gained from the primary evidence will be addressed. Most importantly, the Greek term for the *cursus uelox*, *δρόμος ὀξύς* is attested for the first time in 318.⁸⁸ Secondly, a papyrus dating only three years later contains a reference to a station head explicitly assigned to the *cursus uelox*: *κονδουκτορίαν τοῦ ὀξέος δρόμου*.⁸⁹ Both of these pieces of evidence show the subdivisions existed by 318.

Beyond the changes in terminology, another indicator for reforms related to the *cursus publicus* can be observed in a development regarding the types of permits needed to gain access to the system. In a letter from 314, Constantine granted several bishops *tractoriae* for their journey from Africa to the synod in Arles.⁹⁰ In the sources, *tractoria* is used as a *terminus technicus* for the permits of the *cursus publicus* in the 4th century alongside *euectio*. While scholarship has generally accepted the former to be either an *euectio* with extra lodging and provisions or simply the same document with a different name, a review of all extant sources on the topic yields a different result: *tractoria* is in almost all cases connected to transport by means of larger vehicles, i.e., the *reda* or the *angaria* (ch. III.2). As shown below (pp. 62-4), the significant number of laws regulating transportation-related aspects of the *cursus publicus* suggests an increasingly conscious use of state resources, which had already been a factor that motivated the transformation of the IITS into the *cursus publicus* (pp. 26-7). In addition, the creation of the two subdivisions was connected to Constantine's desire to render communication between the government

⁸⁷ On the etymology of *clauulari(u)s*, see STOFFEL 1994, 15, fn. 111.

⁸⁸ *P. Oxy.* XXXIII, 2675 [15 January 318]; for further references to primary evidence, see fn. 30 above.

⁸⁹ *P. Oxy.* VI, 900 [321]; see also ch. III.3 for a discussion of the terms *manceps* and *κονδουκτορίας*.

⁹⁰ *OPT., App.* 3 (CSEL 26, 206); for references to further occurrences of the term, cf. ENSSLIN 1937, 1872.

and the populace more effective while also ensuring that his agents could travel quickly and inform him of any news within the empire (p. 31). Considering these two factors side-by-side, the introduction of a permit type limiting users to the slower vehicles of the *cursus publicus* seems sensible: with this tool, emperors could (benevolently) grant access to the slower vehicles while simultaneously limiting the use of the faster means of transportation, thus – theoretically – ensuring the availability of the latter for their own needs.⁹¹ If this definition of *tractoria* is accepted, the appearance of the term under Constantine suggests a much more conscious control of the resources of the *cursus publicus* than attested in previous times and is indicative of reform activities of that emperor with regards to the *cursus publicus*.

The second group of evidence, identified as circumstantial above, relates to certain developments in the Roman administration and judicial system under Constantine, which illustrate very clearly that a further sophistication of the *cursus publicus* was necessary. In this regard, aside from the continuation and completion of various reforms of Diocletian, such as the separation of civil and military functions and the division of provinces, the institution of the vicariate around 312 is most notable. Initially, officials in this position (*agentes uice praefectorum praetorio*) acted as assistants or even equals to the praetorian prefects.⁹² This development was necessitated by the radical expansion of the provincial administration: the praetorian prefects were no longer able to cope with the increased workload resulting from their supervisory role over the provincial administration as well as their function as final judges in the appeal system next to the emperor. Thus, Constantine created support personnel – vicars – who could fulfill the praetorian prefects' role in a more geographically restricted area. The latter were successively standardized and termed dioceses, although this process was only completed in the latter third of the 4th century.⁹³ The immediate result was not only another numerical increase of the administrative body, but also the need for communication of governors, praetorian prefects, and the emperor with these new officials. That much of this communication originating from the vicars was

⁹¹ For the full argument, see ch. V. See also CHAPMAN 1978, 62, who suggests the same division, although he mistakenly adds that the primary the *tractoria*'s purpose was specifically "to provide subsistence for those who would spend longest on the road."

⁹² ENSSLIN 1958, esp. 2015-44; JONES 1964, 592-6; more recently, see NOETHLICH 1982, MIGL 1994, and GUTSFELD 2002.

⁹³ For the creation of dioceses as a process which took the larger part of the 4th century but began under Constantine, see NOETHLICH 1982, MIGL 1994, 54-69, and KUHOFF 2001, 371-81.

facilitated through the *cursus publicus* is likely since, as will be shown below (ch. III.6), they had full issuing rights for permits allowing the use of the *cursus publicus* from the very beginning until 362.

In addition, DILLON has recently shown the novel aspects of the judicial system under Constantine as well as their effects on the imperial administration on the whole.⁹⁴ Most relevant to the topic of his thesis is the observation that Constantine was largely motivated by his mistrust of the integrity of the officials in his own administration.⁹⁵ This, in turn, led to a much greater “value perceived in communication” – both with the provincials and between the layers of the administration – and thus to an increased volume of official correspondence.⁹⁶ These aspects will be discussed in turn in the following.

As an important way to combat abuses of the populace at the hands of governors or lower-ranking officials, provincials were encouraged to voice their opinion through public acclamations.⁹⁷ As is indicated in a constitution from 331, these were to be reported to the emperor by the praetorian prefects and the *comites prouinciarum* so that he could consider them and react appropriately.⁹⁸ Although the provincials only gained the right to use the *cursus publicus* to communicate such acclamations to the emperor under Valentinian I in 371,⁹⁹ it is self-evident that the resources of the *cursus publicus* were employed at least for the emperor’s responses as well as those acclamations passed on by the praetorian prefects well before that time.¹⁰⁰

On the flipside, communication between all layers of the imperial administration in the form of short reports (*breues*) was encouraged as a means to monitor officials from within. Thus, regular reports were collected at the offices of the praetorian prefects and

⁹⁴ DILLON 2012.

⁹⁵ Examples can be found in NOETHLICH 1981, esp. 56-110 (illegal activities within the administration) and 111-58 (abuses against the populace).

⁹⁶ DILLON 2012, 156.

⁹⁷ On the development and function of acclamations, see MATTHEWS 2000, 35-9.

⁹⁸ *Cod. Theod.* 1.16.1 [331] with DILLON 2012, ch. 5. It appears that later emperors appreciated and made use of public acclamations as a “source of information (and) a means of administrative control” (*idem*, 134; for the continued use of this ‘tool,’ see *idem*, 136). *Cod. Theod.* 1.5.1 [325] allows provincials to address their PPO directly if they were ignored by their governor; if found guilty in the investigation of the PPO, the culprit was to be reported to the emperor; cf. also SYMMACHUS, *Relat.* 24. For more examples, see DILLON 2012, 108-13.

⁹⁹ *Cod. Theod.* 8.5.32 [371] and 12.12.9 [382].

¹⁰⁰ The PPO’s right to issue such permits will be examined in more detail in ch. III.6.2.

thence forwarded to the emperor periodically.¹⁰¹ Moreover, provincial governors were instructed to report the names of *potentiores* who hindered them from fulfilling any function of their office to the emperor in the form of so-called *relationes*.

Into this group of judicial correspondence also fall the *consultationes*, which were a major part of the reformed appellate jurisdiction introduced by Constantine. These could be sent to the emperor in the context of law disputes which the judging official was unable to resolve.¹⁰² Initially, *consultationes* were intended to facilitate direct communication between governors and the emperor, but in the end, this attempt to be ever more available to the people seems to have been far too time consuming. Therefore, the praetorian prefects were interposed as a second filter: only the most important cases of those passed on from the provincial governors were forwarded to the emperor; all others could be decided *uice sacra* by the praetorian prefect.¹⁰³ While there is no positive evidence that such documents were conveyed to the emperor via the *cursus publicus*, it seems nonetheless reasonable to assume, as in the previous example, that this at least applied to the correspondence that originated from provincial governors or was answered by a praetorian prefect or the emperor.¹⁰⁴

Additionally, and perhaps most obviously, the *constitutiones* transmitted through the Theodosian Code provide another source of information. The process of creating laws was generally ‘started’ when an official brought a matter to the attention of the emperor in form of a *suggestio* (e.g., a report). If the matter was deemed important, the legislative mill would be set in motion. The introduction prefixed to the *lex* that stood at the end of this process would then contain a paraphrased version of the *suggestio*, indicating who had brought the matter to the emperor’s attention and what had given rise to it. Even though the editors of the Theodosian Code eliminated these parts in their effort to retain only the *uis*

¹⁰¹ DILLON 2012, 192-6. For a (maybe overstated) account of the communication between governors and the emperor during the Principate, see, e.g., ARISTID. 26.32.

¹⁰² On *consultationes*, see DILLON 2012, 200-5; on *relationes*, cf. *Cod. Theod.* 1.16.4 [328] with *idem* 2012, 196-7, who remarks that a governor may simply have sent such a letter to his vicar or PPO, whoever was closer to him at the time. Both officials possessed judicial power *uice sacra* and stood *de facto* on the same level as the emperor (MIGL 1994).

¹⁰³ MIGL 1994, 50-2. On the emperor’s role as judge, see HONORÉ 1994², 1-32. For his involvement in the rescript system, *idem*, 43-8 and CORCORAN 1996, 234-44. On *iudices uice Caesaris*, see PEACHIN 1996, esp. 188-99 for changes under Constantine. Cf. SLOOTJES 2006, 33-4 and DILLON 2012, esp. 108-13 on the communication between the emperor, governors, vicars, and the PPOs.

¹⁰⁴ See HONORÉ 1994², 14 and 45-6.

sanctionis, evidence for this practice can be found in laws contained in other collections, such as the Sirmondian Constitutions.¹⁰⁵ It is nonetheless important to realize the effects of this practice: first, the *suggestiones* had to reach the court, either being delivered in person or sent in form of a letter; more importantly, once a *lex* had been passed, it had to be disseminated throughout the empire, being forwarded from one rank of the administration to the next until it reached the *officia* of the provincial governors. As legislation could only become effective once it had been promulgated in the provinces, the process of propagation would certainly have been accelerated with the *cursus publicus*, or more specifically the *cursus uelox*.

Based on the combination of direct attestations of changes within the *cursus publicus* and implications of the further developments in the administrative and judicial system, the last step in the transformation of the *cursus publicus* may thus be sketched as follows: taking into account the (yet again) increased volume of official communication during Constantine's reign, that emperor may have wished to ensure the availability of resources for his many fast messengers at all times. He thus instituted the *cursus uelox*, while the bulk of the official transportation and communication was diverted to the somewhat slower, but no less reliable *cursus clauulari(u)s*. Of course, there is no evidence to prove the motivations of Constantine, wherefore the scenario just outlined must remain purely hypothetical. What can be said with relative certainty, however, is that Constantine completed the transformation of the IITS into the *cursus publicus* with its two subdivisions, a development which fits well into the general tendency of the central administration to strive for greater efficiency and control of its resources noticeable throughout the latter half of the 3rd century.¹⁰⁶ Moreover, due to the unprecedented level of comprehensiveness of the *cursus publicus*, the central administration gained a fundamental tool to manage the much larger and more centrally-oriented administrative body characteristic of the Later Roman Empire and to extend Roman power into the provinces on an unprecedented scale.

¹⁰⁵ On the *suggestio*, see HARRIES 1999, 47-53; for the process in which legislation was created at court and disseminated throughout the empire, e.g., HONORÉ 1986, 136-44 and MATTHEWS 2000, 171-87. On the Sirmondian Constitutions in general, see also LEMCKE, ca. 2015.

¹⁰⁶ GLAS – HARTMANN 2008, 663.

III. The *cursus publicus* in the Fourth Century

The previous section gave several reasons why the Roman Empire experienced an increased need for official communication and transportation during the 2nd and 3rd centuries. While the first reactions to this demand are reflected in the appearance of ox-carts in the early 3rd century, it was only in the reign of Diocletian that the central government began to take a firmer hand in controlling and regulating the resources of the IITS. Thus, the *cursus publicus* was created. In contrast to the old system, it was geared not only to facilitate courier duties but also to fulfill the new transportation needs of the administration: the numerical inflation of the administrative staff in the provinces and the military had resulted in both an increased number of users and a greater volume of communication and transportation which was further amplified by the convergence of supreme legislative and judicial power in the emperor. This trend was continued in some of the reforms of Diocletian and Constantine, which increased the requirements of the central government and the administration in those regards again. The second stage of the transformation of the IITS – the establishment of the two subdivisions, the *cursus uelox* and the *cursus clauulari(u)s* – was a direct reaction to this development and resulted in an information and transportation system with much greater use to the central administration than its predecessor.

As the following chapters will show, the expansion of the infrastructural basis of the IITS, which was already noted above, most probably reached its pinnacle in the early 4th century (ch. III.1); concurrently, there was an expansion of the number and variety of animals employed whose use and application were, in turn, regulated much more stringently than before (ch. III.2). Increasing direct control through the central administration by streamlining the organizational and financial structure of the *cursus publicus* is also clearly expressed in the following chapters on the administration and financing (chs. III.3-4). Subsequently, a study of usage rights (ch. III.5) will reveal a growing number of users and range of applications of the *cursus publicus* as the 4th century progressed, accompanied by an increasing volume of legislation directed at regulating this expansion. A chapter on issuing rights will provide a clear example of how the development of the *cursus publicus* was affected by the evolution of the Roman administration (ch. III.6). Finally, a review of the control mechanisms in place to ensure

the orderly functioning of the *cursus publicus* will attest to the importance with which it was perceived by the central administration (ch. III.7).

III.1. Infrastructural Basis

Used (mainly) by officials on missions for the central administration (for more on this topic, see ch. III.5), the *cursus publicus* was an infrastructure of roadside stations set within an administrative framework that was superimposed over the existing road network of the Roman Empire. With that in mind, it may seem ironic that the bulk of scholarship has focused predominantly on administrative and organizational aspects of the system. While the reasons for this shortcoming are manifold and will be explained in the following, it is nonetheless important to gain as much of an impression of the “physical” aspect of the *cursus publicus* as possible. This is particularly the case because, even though the expansion of the infrastructural basis was an ongoing process, it must have culminated in the early 4th century in the creation of a close-knit web of stations wherever the *cursus publicus* operated to accommodate the slow speed of oxen (ch. II). And since there are no indicators for cutbacks in that regard in the 4th century, this chapter will provide an overview of the infrastructural framework on the basis of which the developments outlined in the following chapters took place.

The sources for such a study can be divided broadly into two categories: firstly, written sources, e.g., ancient writers or various itineraries and maps, most importantly the *Itineraria Burdigalense* and *Antonini*, and the *Tabula Peutingeriana*;¹⁰⁷ and secondly, material remains, ideally supplemented by the first category.

Literary evidence from ancient authors provides a picture that is both geographically restricted and conditioned by the context of the narrative. In comparison, the itineraries are of far greater value: the information gained from them is much more comprehensive, particularly in the case of the *Itinerarium Antonini*. While the former can at times be used to supplement the latter, the itineraries nevertheless only offer a snapshot of the conditions in the early 4th century and do not permit any insights into the development of the infrastructure over time. And even for the only comprehensive map

¹⁰⁷ For an introduction to the itineraries and maps, see SALWAY 2001; for the first comprehensive reconstruction of routes based primarily on the *It. Ant.* and the *Tab. Peut.*, see MILLER 1919 and most recently LÖHBERG 2006 (*non uidi*, but cf. the review by RATHMANN 2008); for the dating of the latter itinerary, cf. ARNAUD 2004, 3-4; see further CUNTZ 1929 and GEYER ET AL. 1965 (*non uidi*) for a critical edition of both the *It. Ant.* and *Burd.*; for the *Tab. Peut.*, see specifically SALWAY 2005 and TALBERT 2010; for the *It. Burd.*, SALWAY 2012.

from antiquity, the *Tabula Peutingeriana*, not much more than a rough date for its creation (ca. 300) can be conjectured.

The archaeological material is even more problematic to use. First, the fairly generic nature of the architecture of roadside stations creates considerable problems for their identification; secondly, even if an excavated location can be identified as such a station, it is almost impossible to say whether it was a part of the *cursus publicus* or a privately operated inn. The lucky exceptions are those cases in which an excavated location can be matched with the records of the itineraries, and several scholars have indeed pursued this avenue of research.¹⁰⁸

Even more obscure is the extent to which the *cursus publicus* was set up on waterways. From the extant evidence, it seems clear that travel via rivers was part of the system and organized in a fashion similar to overland travel. There is, however, no evidence attesting the existence of similar arrangements for the more common routes across the Mediterranean. Rather, users may have had to book passage on a military or private vessel; in the former case, a permit would have granted them access, while in the latter case, such a document may have guaranteed priority boarding. Whether users had to pay a fare on private vessels and – if so – how such a fare might have been determined is entirely unknown, although an arrangement similar to that described in the Sagalassus inscription (i.e., payment of a rate below the market price and fixed by the central government) is perhaps most likely for the Principate.¹⁰⁹

The combined extant evidence thus provides an overall picture that is so uncertain in its geographic and temporal dimensions that it is impossible to make any assertions about the comprehensiveness of the infrastructural network of the IITS of the *cursus publicus* with the exception of the 4th century. Therefore, after a discussion of the

¹⁰⁸ E.g., CHAPMAN 1978, ch. 1 for an (outdated) discussion of the itineraries and their relationship to the CP; further *idem*, ch. 3 for archaeological evidence of stations; CORBIAU 1992 for some general remarks on the difficulties associated with the archaeological record, and, more recently, CROGIEZ-PÉTREQUIN 2009b with a study of roadside stations on the Great St. Bernard Pass; CROGIEZ 1990a identified stations on the *uia Appia* between Rome and Terracina; *eadem* 1990b those in Calabria; cf. BLACK 1995 for a study of *mansiones* in Roman Britain; further, KOLB 2000, 206-13. See CORSI 2001 for a comprehensive overview over the literary and archeological sources for stations in Roman Italy.

¹⁰⁹ See both KOLB 2000, 198-205 and CROGIEZ 2002 with references to further primary and secondary literature.

terminology used in the sources to describe roadside stations, the following will provide a snapshot of the situation at that time.

The terms *mansio* (resting station, sometimes connected with a variety of other buildings) and *mutatio* (changing station) are generally interpreted as designating establishments directly associated with the *cursus publicus* but differing primarily in one aspect: contrary to *mutationes*, *mansiones* offered travellers the opportunity to stay the night.¹¹⁰ However, as SYLVIE CROGIEZ-PÉTREQUIN has shown, these terms need to be approached much more carefully. She concludes that

“la *mansio* apparaît donc comme étant d'abord une agglomération ... même réduite, mais ce n'est pas toujours le cas, puisqu'on voit qu'il existe d'assez nombreuses *mansiones* qui sont des petites villes. Ce peut être le lieu d'habitat d'une petite communauté civique, ayant même son territoire propre. La fonction de la *mansio* ne se limite pas au service de transport et ce mot ne peut guère être traduit par «station routière», expression en l'occurrence peu précise et qui donne au mot une valeur technique qu'il n'a pas.”¹¹¹

A *mutatio*, however, was such a “station routière” and could consist of a number of buildings. Most notably, and contrary to the prevalent opinion in scholarship, it included at least some sort of inn providing the possibility of lodging as well as stables (*stabula*);¹¹² the entire *mutatio* could be designated by the term *statio*, although the latter might also describe “un bâtiment ou un ensemble de bâtiments ayant une fonction administrative” – the latter did not have to be connected to the *cursus publicus*.¹¹³ Moreover, as CROGIEZ-PÉTREQUIN has pointed out, *mancipes* are commonly – although by no means exclusively – mentioned in connection with *mutationes*; similarly, one might add in support of her argument that all laws mentioning muledrivers (*muliones*) of the *cursus publicus* assign them exclusively to *mutationes*.¹¹⁴

¹¹⁰ E.g., STOFFEL 1994, 16-8; KOLB 2000, 210-3, particularly 212 for *mansiones*; AUSBÜTTEL 1998, 106. The translations provided in brackets are those most frequently found in English scholarship and represent the terms that appear in the sources for stations of the CP in late antiquity; for the much less precise terminology of the Principate, see KOLB 2000, 210-1.

¹¹¹ CROGIEZ-PÉTREQUIN 2009a, 103-4.

¹¹² Scholarship to date has generally not associated *mutationes* with opportunities for lodging: BLACK 1995, 12; STOFFEL 1994, 17: “*mutationes* dienen zum Wechseln der Tiere, *mansiones* zusätzlich zum Aufenthalt während der Nacht;” KOLB 2000, 213: “*mansiones* boten im Gegensatz zu *mutationes* ein Nachtquartier,” most recently restated in *eadem* 2013. However, the archaeological record suggests otherwise, cf. FICHES 1998, 239-53. For the connection *mutatio-stabulum*, see CROGIEZ-PÉTREQUIN 2009a, 98-9.

¹¹³ CROGIEZ-PÉTREQUIN 2009a, 101; similarly, KOLB 2000, 212. Also, see CHAPMAN 1978, 173-6 for *stationes* in a military context.

¹¹⁴ CROGIEZ-PÉTREQUIN 2009a, 100; also STOFFEL 1994, 18.

The extant terminology thus indicates a clear differentiation of station types by their administrative function: a *mutatio* was a roadside station assigned to the *cursus publicus* and offered stables as well as the possibility to stay the night; a *mansio* could feature a *mutatio*, but various laws suggest that they primarily served as collection points for the *annona*.¹¹⁵ By analogy, the structures constituting *mutationes* or *mansiones* could be located at the outskirts of larger communities, such as *ciuitates*, *uici*, and *oppida*,¹¹⁶ or even military structures, like *castella*; this may also explain the mentions of *mancipes* in the context of (some of) these settlement types.¹¹⁷

This specialized terminology is also reflected in the *Itinerarium Burdigalense*: its author employs *mutatio*, *mansio*, and *ciuitas* throughout to describe stopping points along his way; once, the term *castellum* – military fort – is used.¹¹⁸ Of these, roadside stations of the *cursus publicus* appear most frequently, roughly every 10 m.p. (ca. 15 km). One of the larger locations, i.e., at least of the size of a *mansio*, could be found on average every 25 m.p. (ca. 37 km).¹¹⁹ Of course, these distances varied due to topographic factors or the importance of the specific route. This said, it is also clear from the fluctuation of the number of *mutationes* that they only appeared on their own when none of the larger ones was available.¹²⁰ Moreover, the appearance of such dedicated terminology suggests once again a firmer organization of the *cursus publicus* in the 4th century in comparison to the IITS during the Principate, when a whole mishmash of terms – usually indistinguishable from similar civilian structures – had been in use.¹²¹

¹¹⁵ See below, fn. 116.

¹¹⁶ This association is suggested, e.g., in *Cod. Theod.* 12.6.21 [386], which states that various weights and measures were to be placed in *mansiones* and *ciuitates* (n.b., not in *mutationes*) so that the taxpayers would be able to assure that they were not overassessed; similarly, 12.6.19 [383], although this constitution refers to *stationes* in general; see also 8.5.35 [378].

¹¹⁷ E.g., *Cod. Theod.* 11.1.9 [365]: *quod pabula, quae hactenus ex eorum uoluntate atque arbitrio ad mutationes mansionesque singulas animalibus cursui publico deputatis repente atque inproiise solebant conuehi*; cf. also CROGIEZ-PÉTREQUIN 2009b, 254. On the possible location of stations, see also CHAPMAN 1978, 180-1 and BLACK 1995, 2-3;

¹¹⁸ *It. Burd.* 551.9; on *castellum*, see HERZ 1997.

¹¹⁹ See LEMCKE – COŞKUN 2013, fn. 8.

¹²⁰ E.g., *It. Burd.* 561.1-10: *mutatio – mansio – mutatio – ciuitas – mutatio – mansio – mutatio – ciuitas*.

¹²¹ *Mansio*: e.g., SUET., *Tit.* 10; CIL V, 8987 = ILS 755 [362/3], SEG XXVI, 1392 [20/37]; *praetorium*: e.g., CIL III, 6123 = ILS 231 [61]; AE 1912, 193 [61]; IGBulg V, 5691 = AE 1999, 1397 [61]; AE 1992, 892 [202]; *palatium*: CIL III, 6123 = ILS 231; AE 1979, 620 [101/2]; CIL VIII, 14428 [181]; *taberna*: CIL III, 6123 = ILS 231; AE 1979, 620; CIL VIII, 14428 [181]; *statio* (σταθμός, μονή, πανδοκεῖον): e.g., STAT., *Silv.* 4.9.19; OGIS 701 [137]; IGBulg III/2, 1690 = SIG² 880 = IGRR I, 766 [202].

The layout of roadside stations seems to have been rather uniform: the main building of a *mutatio* was characterized by its rectangular shape and wide gate (generally 3-4 m), providing ample space for carts to enter. On the inside, arranged around the edges of a large courtyard with room for carts and further animals, there were stables as well as rooms for various purposes. Separate buildings in the close vicinity were used to house travellers during their short stays.¹²²

¹²² CORBIAU 1992; FICHES 1998.

III.2. The Vehicle Fleet of the *cursus publicus*

Having established a basic understanding of the immobile infrastructure, the next step is to determine which means of transportation – *uehacula* and *animalia publica*¹²³ – were provided at stations in order to gain an understanding of the resources and capacities of the *cursus publicus*. The assignment of these means of transportation to either the *cursus uelox* or the *cursus clauulari(u)s* is complicated by the fact that while there are references to the individual terms, no source has been transmitted in which they are defined precisely. Modern scholarship generally understands the *cursus uelox* as quick imperial courier service that would sometimes be used to transport goods of particular importance to the central administration; the *cursus clauulari(u)s*, on the other hand, was used for heavy transports and, to a limited extent, slower travel for official purposes.¹²⁴ In connection to these different applications, it is generally accepted that ox-carts (*angariae*) were employed with the *cursus clauulari(u)s*, while all other attested means of transportation – lighter carts and other animals – came to be used in the context of the *cursus uelox*.¹²⁵ In addition to a few laws which explicitly limit the use of *angariae* to the *cursus clauulari(u)s*,¹²⁶ this division also makes sense for practical reasons: being able to cover on average an interval equalling the mean distance between two larger settlements per day (ca. 25 m.p. = 37 km), ox-carts were by far the slowest means of transportation available and thus required a much denser infrastructure than the *cursus uelox*. These diverging requirements are reflected in the existence of dedicated station heads for each of the two divisions (ch. III.3).

The Theodosian Code provides a relatively detailed picture of the means of transportation used in the two divisions of the *cursus publicus*. In terms of animals, it attests the use of horses (*equi*, *ueredi*), donkeys (*asini*), mules (*muli*), and oxen (*boues*);¹²⁷

¹²³ For *animalia publica*, see, e.g., *Cod. Theod.* 8.5.2 [316] (= *Cod. Iust.* 12.50.1, although this text contains *equos* instead), and 8.5.8 [356]; for *uehacula (publica)*, cf. 8.5.18 [364], 20 [364], 30 [368].

¹²⁴ See above, fn. 30 and 31.

¹²⁵ Thus KOLB 2000, 52; STOFFEL 1994, 21-2; see also *Cod. Theod.* 6.29.5 [359]; 8.5.16 [363].

¹²⁶ *Cod. Theod.* 6.29.5 [359]: *E cursu clauulari singulas angarias*; 8.5.16 [363].

¹²⁷ Horses: *Cod. Theod.* 8.5.8 [356], 14 [362], 16 [363], 17 [364], 28 [368], 30 [368]; 6.29.6 [381]; 8.5.38 [382], 47 [385], 48 [386], 49 [386]; donkeys: 8.5.38 [382], 41 [382]; mules: *Cod. Iust.* 11.55.1 [Diocletian/Constantine]; *Cod. Theod.* 8.5.8 [356]; the existence of muledrivers (*muliones*) also points towards the use of these animals (*muli*): 8.5.14 [362], 31 [370], 34 [377/9]; similarly the title of veterinarians

the latter are at times included under the umbrella term *angaria*, signifying the cart together with one or two team(s) of oxen.¹²⁸ As the most cost- and time-intensive animals, the horse in particular drew the attention of legislators. Thus, initially, they were not to be burdened with more than 30 pounds (ca. 10 kg¹²⁹). This limit was then successively increased: since 385, saddle bags were to weigh no more than 35 pounds (ca. 12 kg), saddle and bridle together no more than 60 (ca. 20 kg); sometime later, the maximum for saddle bags was raised once more to 60 pounds.¹³⁰

In addition, the terms *paraueredus*, *parhippus*, and *parangaria* occur in several laws.¹³¹ The first two are generally interpreted as ‘supplementary posthorse’ (PHARR) or ‘Beipferd’ (*parhippus*)/‘requiriertes Pferd’ (*paraueredus*) (STOFFEL); in analogy, the latter are translated as ‘supplementary postwagon’ (PHARR) or ‘requiriertes Ochsengespann’ (STOFFEL). The sources indicate that these terms describe animals or carts requisitioned *extra ordinem* (i.e., beyond a user’s maximum allowance); moreover, they could only be obtained if the permission was explicitly granted through an annotation in the permit made by the emperor, the praetorian prefect, or the *magister officiorum*.¹³²

It is often assumed that *parhippi* were animals requisitioned from the resource pool of the *cursus publicus*, whereas *paraueredi* and *parangariae* were sourced from the populace. While the latter finds clear confirmation in various laws, the source of the former is never explicitly addressed. Restrictions of Valentinian explicitly limiting the use of *parhippi* might further support this differentiation: the use of *paraueredi* requisitioned *extra ordinem* from the populace would not affect the number of animals at hand at a given station, so that an imperial messenger would not be slowed down by a shortage of animals.

(*mulomedici*): 8.5.31 [368/73]; oxen: 8.5.1 [315], 11 [360]; all of these animals except for oxen are also attested in LIB., *Or.* 18.143-4: *ἡμίονος* (mule); *ἵππος* (horse); *ὄνος* (donkey).

¹²⁸ For the various uses of the term *angaria*, see p. 41 below; use of an *angaria* with two (or four) oxen: *Cod. Theod.* 8.5.11 [360].

¹²⁹ Where one Roman pound = 327.45 g (HITZL 1998).

¹³⁰ *Cod. Theod.* 8.5.8 [356]: 30 pounds; 47 [385]: 35 + 60 pounds; *Cod. Iust.* 12.50.12 [385]: 60 + 60 pounds; see fn. 148 for an explanation of the the apparent conflict between *Cod. Theod.* 8.5.47 and *Cod. Iust.* 12.50.12.

¹³¹ *Paraueredus*: *Cod. Theod.* 8.5.3 [339], 6 [354], 7 [360], 15 [362], 16 [363]; 11.16.18 [390]. *Parhippus*: JULIAN., *Ep.* 34 (ed. CUMONT – BIDEZ = 43 ed. WRIGHT), 41 (ed. CUMONT – BIDEZ = 54 ed. WRIGHT), 46 (ed. CUMONT – BIDEZ = 15 ed. WRIGHT); *Cod. Theod.* 8.5.14 [362], 22 [365], 27 [365], 29 [367], 49 [386]. Against a differentiation between the two, cf. CHAPMAN 1978, 140. *Parangaria*: *Cod. Theod.* 16.2.10 [353], 14 [357]; 8.5.15 [362]; 11.16.15 [382], 18 [390]; *Cod. Iust.* 12.50.21 [440/1].

¹³² Note, however, STOFFEL 1994, 96 on *Cod. Theod.* 8.5.14 [362], which is the only source stating that *parhippi* could be requisitioned without an annotation in the permit. The reasons for this deviation remain unclear.

This said, it is not possible to differentiate between the two terms with certainty for two reasons: first, on account of the similarity of the regulations applicable to both; secondly, because the word *parhippus* itself, which occurs first – in its Greek form, *πάριππος* – in the correspondence of Julian, might well be a Latinized form of the Greek translation for *paraueredus*. A clear differentiation of the two terms thus rests on tenuous arguments. Indeed, it is rather difficult to understand why, for instance, the emperor would add any of the auxiliary means of transportation to the permit if they were requisitioned from the same source as regular ones. After all, he (or rather a secretary) created the permits he issued from scratch, so that the appropriate number of horses or carts to be requisitioned at the stations could be entered; how the recipient of the permit would make use of the individual horses (as packhorses or to speed up travel by changing mounts underway) was left up to him. If this argument is accepted, it seems that any of the auxiliary means of transportation would have been requisitioned from the populace. However that may have been, it is clear that the use of both *parhippi* and *paraueredi* was considered a normal aspect of the *modus operandi* of the *cursus publicus*.¹³³

In close association with these terms occur *auertarii* and *agminales*. In the sources, the former are directly connected to *parhippi*. Analogous to the problem above, it remains unclear what – if any – difference existed between the two: both seem to have been used as packhorses.¹³⁴ The same interpretation applies to *agminales*, which appear together with *paraueredi*.¹³⁵

The Theodosian Code also mentions a variety of different vehicles employed in the context of the *cursus publicus*. Providing space for a maximum of two people, the two-wheeled *birota* was the fastest of those, possibly supporting speeds of up to 20-25 km/h.¹³⁶

¹³³ Thus *Cod. Theod.* 8.5.59 [400] and 63 [401] for *paraueredi* and *parangariae*; 8.5.22 [366] and 29 [367] for *parhippi*.

¹³⁴ *Cod. Theod.* 8.5.22 [366]. See also the definition proposed by HUDEMANN 1878, 140, who stated that the pair *ueredus/parhippus* (= *auertarius*), i.e., horses/packhorses from the resources of the CP, was mirrored in the pair *paraueredus* (or *parangaria*)/ (*equus*) *agminalis* when requisitioned from the populace.

¹³⁵ *Cod. Theod.* 8.5.3 [339], 6 [354].

¹³⁶ SPRUYTTE 1983, 47-9; of course, the cart reconstructed by that author was modelled on the chariot found in the tomb of King Tutankhamen, and the results gained from his study should thus be applied to the *birota* with utmost care. However, its maximum load of 200 kg as well as its design speak for a basic similarity between the two. The speed given above is based on two horses hitched to the vehicle; three mules, which was the norm for a *birota* of the CP (*Cod. Theod.* 8.5.8 [356]), may be able to reach that speed given that mules are only marginally slower than horses (SCHNEIDER 1985, 541).

Drawn by three mules – presumably arranged side-by-side¹³⁷ – its maximum load in addition to the driver¹³⁸ was limited to 200 pounds (ca. 66 kg), allowing him either to travel with some baggage or to be accompanied by one individual.¹³⁹ The next bigger vehicle was the four-wheeled *carrus*. It is mentioned only in a single law from 368, which sets its maximum load at 600 pounds (ca. 196 kg).¹⁴⁰ This figure may indicate that the *carrus* was a four-wheeled as opposed to a two-wheeled cart, and that it was otherwise used for much the same purpose as the *reda*, albeit on a smaller scale.¹⁴¹ Beyond these observations, nothing precise is known about its specific applications. The probably most commonly used vehicle was the four-wheeled *reda*.¹⁴² Its maximum weight was limited to 1,000 pounds (ca. 327 kg), and it was customarily drawn by four mules, although the regulations of the *cursus publicus* stipulate eight for the summer and ten during winter, probably in order to optimize the speed of transportation.¹⁴³ The sources attest its use to transport both goods and individuals.¹⁴⁴ Lastly, and only in the context of the *cursus clauulari(u)s*, four-wheeled ox-carts (*angariae*) were employed. This term could designate

¹³⁷ This arrangement is attested on a funerary relief in the National Museum in Belgrade, depicting a courier on a vehicle drawn by three horses arranged side-by-side (CASSON 1976, no. 30).

¹³⁸ This interpretation is suggested by the maximum loads assigned to horses (p. 38). Indeed, the description of the loads, either designated by the generic *onera* or as saddle/bridle/saddle bags, clearly shows that the weight of the rider was not included. Given that the numbers for horses are provided directly following the maximum weights for various carts in the same list, it seems reasonable to assume that the same applied for carts.

¹³⁹ Thus also CHAPMAN 1978, 137; for the maximum weight, see *Cod. Theod.* 8.5.8 [356]; for the weight of a person in antiquity, see below fn. 144.

¹⁴⁰ *Cod. Theod.* 8.5.30 [368].

¹⁴¹ On the *carrus*, see SCHNEIDER 1985, 476 (two or four-wheeled vehicle); differently, CHAPMAN 1978, 139 (two-wheeled vehicle).

¹⁴² The term *carpentum*, which occurs in two laws (*Cod. Theod.* 8.5.18 [364], 30 [368]), was used to designate the wagon-bed rather than a separate class of cart as proposed by STOFFEL 1994, 101 and KOLB 2000, 216. Cf. PHARR's translation of 8.5.30: *in carpentis raedarum*, as "in the wagonbeds of carriages;" 8.5.18.1, which regulates the number of people permitted to ride on each wagon, reads: *ne amplius in singulis carpentis quam bini aut ut summum terni homines inuehantur*, which PHARR translates as "that on each wagon not more than two men, or three men at the most, may be conveyed." As this constitution deals with the permission to use vehicles (*uehacula*), I see no reason why *carpentis* cannot be understood in the same sense as in 8.5.30 instead of yet another vehicle of the CP. This suggestion is further supported by the fact that even the *carrus*, which is mentioned once in book 8.5, is assigned a maximum load; unless such a law has been omitted by the editors of the *Cod. Theod.*, no such regulation existed for the *carpentum*.

¹⁴³ KOLB 2000, 217-8. *Lib.*, *Or.* 18.143 speaks of 20 mules hitched to a *reda*, stating that this number was necessary due to the malnourished state of the animals, but this number seems highly unlikely (KOLB 2000, 219, fn. 1).

¹⁴⁴ SCHNEIDER 1985, 544 estimates the number of passengers that could be transported on a *reda* under these circumstances as seven to eight. This seems highly unlikely unless most of the passengers were children, as it results in an average weight of 125-143 pounds or ca. 41-47 kg per person; four passengers with light baggage might be a more reasonable estimate (= 200 pounds = ca. 66 kg per person = average weight of a man in antiquity [LAURENCE 2005, 85] + 200 pounds for baggage).

the cart itself, or – on one occasion – the *cursus publicus* as a whole. According to their maximum load of 1,500 pounds (ca. 491 kg), *angariae* were employed for heavy transports facilitated through the *cursus clauulari(u)s* and were hitched to two or four oxen.¹⁴⁵ On rare occasions, they also seem to have been used by delegates from various provinces: representatives of individual provinces were permitted to use one *angaria*; if the provinces of a diocese decided to send one delegation to speak for them collectively, they could use the faster *reda*. This arrangement was most likely intended to streamline communications between the imperial center and the provinces, both by giving provincials an incentive to collect petitions, thus reducing traffic on the roads and at court, as well as simultaneously accelerating the speed with which such petitions reached the emperor.¹⁴⁶ The use of “enormous vehicles” (*enormia uehicula*) was strictly prohibited.¹⁴⁷

Nothing precise is known about the quantity of animals and carts that was kept at each station. Several laws limit the number of horses which could leave a station per day, first to five in the West; in the East, the limit was soon after set at six horses and one *reda*, although the former was increased to ten, presumably for all stations, by the time of Justinian.¹⁴⁸ Given that a *reda* was hitched to eight to ten mules depending on the season, a combination of minima and maxima results in a total of 13-20 for mules and horses at stations. Moreover, the use of other animals, such as donkeys and oxen, as well as carts, such as *birotae* and *carri*, and the additional legal and illegal requisitions in excess of customary or basic allowances suggest an even greater number;¹⁴⁹ finally, the total also depended on whether both of the divisions of the *cursus publicus* were set up at a relevant

¹⁴⁵ Designating the cart: e.g., *Cod. Theod.* 8.5.11 [360] (*pro singulis angariis bina tantum bouum paria consequantur*), 28 [368]; the CP as a whole: *Cod. Theod.* 11.16.4 [328]; number of oxen: 8.5.11 [360].

¹⁴⁶ *Cod. Theod.* 12.12.9 [382].

¹⁴⁷ *Cod. Theod.* 8.5.17 [365].

¹⁴⁸ *Cod. Theod.* 8.5.35 and *Cod. Iust.* 12.50.8, both dated to April 20, 378 and addressed to Ausonius, PPo *Galliae et Italiae* at this time (COŞKUN 2002a, 62-72), indicate a maximum of five or ten horses per day, respectively, for the West. The constitution did originally include a daily limit for *redae*, but this part of the text has been lost (STOFFEL 1994, 113, following GOTHOFREDUS, suggests the number two). For the East, see 8.5.41 [382], addressed to Florus, PPo *Orientis*; however, 8.5.32 [382] (see fn. 228 for the text) might suggest that this maximum could be exceeded under certain circumstances. The conflicting maxima for horses emerging from the association of *Cod. Theod.* 8.5.35 and *Cod. Iust.* 12.50.8 most probably are the result of a contamination of the original law with regulations in force under Justinian. Barring a scribal error (confusion of X and V), it appears that the maximum number of horses was increased at least in the East to 10 horses per day sometime after 382.

¹⁴⁹ Thus, e.g., *Cod. Theod.* 8.5.38 [382], which allows a vicar to requisition 30 donkeys and 10 horses; 8.5.35 [378] states that those with an annotation in their permit may requisition more than the customary number of horses (= all animals?).

station. Overall, it seems that PROCOPIUS' statement that every station (*σταθμός*) was furnished with a total of 40 horses was certainly an overstatement for that specific type of animal, but may well correspond approximately to an average maximum total for all animals kept at stations.¹⁵⁰ The archaeological record largely confirms this interpretation: the abovementioned *mutatio* at Ambrussum had a combined courtyard and stable area of ca. 1,000 m² and could thus easily have fitted 40 animals and some carts. This size certainly seems to have been exceptional, but quite often, the incomplete or damaged state of the remains makes it difficult to ascertain any specifics about the function(s) and dimensions of a certain structure. Thus, out of the 49 British sites investigated by BLACK, stables can be identified with certainty for only two, the one with an area of ca. 30 m², offering room for six animals, the other with 176 m²; in addition, both offered a courtyard for wagons (and, presumably, additional animals).¹⁵¹ It therefore seems as if the effective number of animals at stations would have varied according to the size of the facilities, the importance and types of traffic along the specific route, as well as geographic and topographic factors.¹⁵²

In order to place these numbers into a meaningful context, a comparison to the conditions of the High Empire would be useful. The source base for the latter is limited to the Sagalassus inscription. It stipulates that the Sagalassenes were to provide 10 wagons (*carri*) and as many mules; if they chose to furnish donkeys instead, they had to offer two for every mule.¹⁵³ Given the maxima for various officials detailed further on (ll.14-21), it is likely that the term *carrus* here included the animals hitched to it: assuming a minimum of two mules per *carrus*, the Sagalassenes had to provide at least 30 mules (or 60 donkeys) or,

¹⁵⁰ PROCOP., *Arc.* 30.4. PROCOPIUS' account is problematic: since he wrote in the 6th century in the Eastern Empire, any projection of the conditions current in his days into the 4th century is to be taken with a grain of salt.

¹⁵¹ Ambrussum: FICHES 1998; sites in Britain: BLACK 1995. Further examples can be found in BENDER 1975, 19-27, e.g., a *hospitium* next to the Stabian Gate in Pompeii with an inner courtyard and stable area of ca. 150 m² (*idem*, fig. 22); a station on the Great St. Bernard Pass, ca. 264 m² (*idem*, fig. 25); another one at *Immurium* (modern Moosham, Austria), ca. 270 m² (*idem*, fig. 26); a station in Augusta Raurica with ca. 750 m² (*idem*, fig. 28).

¹⁵² AUSBÜTTEL 1998, 106 assumes a total of 20 animals, which appears rather low; SEECK 1901, 1856 argues for an unspecified lower number in the 4th century; HOLMBERG 1933, 78 and KORNEMANN 1953, 1005 suggest 40 animals for *mansiones* and about half for *mutationes* (the differentiation is now obsolete); KOLB 2000, 219 considers a grand total of 40 animals per station "nicht völlig abwegig."

¹⁵³ SEG XXVI, 1392 [20/36], ll. 8-9.

presumably, some combination thereof.¹⁵⁴ Unfortunately, the inscription does not indicate whether this total was to be available at each station on the city's territory, or if it could be distributed among them at the discretion of the magistrates, but the wording suggests the latter. If a senator or procurator intended to requisition his maximum allowance (10 mules and 10 carts), he might simply have had to wait until the required animals and carts could be gathered.¹⁵⁵ In contrast, given that the territory of Sagalassus would have contained about three stations with an average of 40 animals each by 4th century standards, one would expect that a combined 120 animals had to be supplied.¹⁵⁶ Given the uncertainties inherent in the determination of both numerical totals, the value of the comparison is restricted to the observation that the few extant sources suggest a far greater resource need of the *cursus publicus* compared to the IITS. This conclusion attests yet again the greater level comprehensiveness of the former, which seems to have been maintained throughout the 4th century.

Overall, the logistic resources offered through the *cursus publicus* were thus considerably more extensive than those of the IITS, both in terms of the quantity and the variety of animals and carts available. In combination with permits specifying which and how many of those could be used, the central administration had (theoretically) the ability to regulate the use of the *cursus publicus* efficiently by assigning the appropriate animal for a certain task while reserving some resources, such as fast horses and carts, for more pressing matters.

¹⁵⁴ This number is suggested by the conversion rate of three mules per *carrus* outlined in SEG XXVI, 1392 [20/37], ll. 13-6.

¹⁵⁵ For a similar regulation in the 4th century, see *Cod. Theod.* 8.5.24 [365].

¹⁵⁶ These stations would have been located along the 42 km of the *uia Sebaste* which ran through the territory of Sagalassus. See also LEMCKE 2012, 134 with fn. 39.

III.3. Administration

The administration of the *cursus publicus* shows many similarities to the conditions prevalent during the first three centuries CE: the emperor was responsible for establishing the rules and regulations which determined the *modus operandi* of the IITS, which were then disseminated and promulgated in the various cities under the direction of the provincial governors. Italy remained a special case: since it did not have the status of a province prior to Diocletian, it did not have a governor; therefore, this role was taken on by either the praetorian prefect or the *praefectura uehiculorum*. In the last instance, the municipalities were responsible to implement these regulations. They had to ensure that all stations on their territory were properly staffed and supplied with the required means of transportation and other necessities. The stations were headed by so-called *mancipes* since the 3rd century or earlier.¹⁵⁷ In Italy, they may have been supervised by the *praefecti uehiculorum*; in the provinces this was certainly the responsibility of the governors. *Mancipes* were initially selected at the discretion of the municipalities, and it was only in the late 3rd century, probably under Diocletian,¹⁵⁸ that the provincial administration got involved in the selection of candidates. By that time, the mancipate had developed into a *munus personale* for the highest classes of the municipalities – the decurions.¹⁵⁹

The transition into the 4th century did not affect this administrative framework significantly, but changes are nonetheless noticeable. Among these, the disappearance of the *praefectura uehiculorum* must be stressed, which is attested for the last time in a law from the year 326.¹⁶⁰ This development was most likely connected to the integration of Italy into the system of provinces under Diocletian and Constantine. Although very little is

¹⁵⁷ KOLB 2000, 135. On the meaning of *manceps* as station head, see AUBERT 1994, 378-81; also cf. H-S, s.v. “manceps.” “1) Nehmer bei den staatlichen Lizitationen; Staatspächter; 2) Aufseher der Staatspost; Postmeister.” GLL, s.v. “manceps.” “(fig.) owner; quarter master; carriage hirer; supervisor of millers; the millers (bakers) themselves; leader; chief.” *Idem*, s.v. “mancipatus.” “duty of a manceps (esp. headship of state posting service or bakery).” OLD, s.v. “manceps.” “contractor, agent; (b) one who takes a lease of a property, renter, lessee.” similarly, ThLL, s.v. “manceps” and “mancipatus.” That the term *mancipes* was not used to refer to the station personnel at large is further suggested in *Cod. Theod.* 8.5.35 [378]: *aut militans exauctorationem subibit aut decurio uel manceps relegatione annua plectetur*. Given that a *manceps* was subjected to the same punishment as a decurion, the former could hardly have been serving in a lower position than a station head.

¹⁵⁸ KOLB 2000, 191.

¹⁵⁹ *Dig.* 50.4.18.4.

¹⁶⁰ For the P^Veh, cf. *Cod. Theod.* 8.5.4 [326]: *Super qua re proconsules rectores prouinciarum praefectos uehiculorum adque omnes, qui cursui publico praesunt, admoneri conuenient*.

known about the *praefectura uehiculorum*, it is generally thought that it had been responsible for the administration and control of the IITS in Italy since Augustan times, a task that had otherwise been assigned to the provincial governors.¹⁶¹ However, the integration of Italy into the provincial system, which had begun under Diocletian and was largely completed under Constantine, would have rendered their administrative function redundant as the Italian provinces received their own governors; their control duty was then taken over by the *curiosi* in the 340s, at which point the *praefectura uehiculorum* had lost its *raison d'être*.¹⁶²

Under the aegis of the praetorian prefects, it became the governors' responsibility to determine exactly how stations were to be equipped and how/by whom these items should be provided in the later reign of Constantine.¹⁶³ A law from 365, moreover, assigned to them the responsibility for building stables in their respective provinces.¹⁶⁴ Meanwhile, *mancipes* were still controlling users and shouldering a part of the financial burden at the station level, but even they were now under the control of the imperial administration.¹⁶⁵ Originally designating private entrepreneurs, the term now identified individuals obligated to serve a term as station heads as *munus*. They were supported by so-called *praepositi* or *κονδουκτόποι*. While the evidence is extremely limited for these terms, they seem to designate agents hired and paid by principals (*mancipes*, presumably at their own cost) for stations within their purview.¹⁶⁶ Given that they were prohibited to be

¹⁶¹ A thorough discussion of the *praefectura uehiculorum* can be found in ECK 1979, 89-110; see also most recently CROGIEZ 2007, who argues that its role was “organiser et superviser la fourniture des véhicules servant aux transports officiels de l'empereur, et en particulier, si besoin, les achèvements militaires” (195); even a predominance of these functions, however, does not preclude a function related to the CP; see also KOLB 2000, 155-65.

¹⁶² BARNES 1982, 218-9 and AUSBÜTTEL 1988, 85-103. On the *curiosi*, see ch. III.7.

¹⁶³ *Cod. Theod.* 11.16.4 [328]: *Extraordinariorum munerum distributio non est principalibus committenda, ideoque rectores prouinciarum monendi sunt, ut eam distributionem ipsi celebrent manue propria perscribant adque encauto (sic) nomina adnectant, ea forma seruata, ut primo a potioribus, dein a mediocribus adque infimis quae sunt danda praestentur. Neque umquam sationibus uel colligendis frugibus insistens agricola ad extraordinaria onera trahatur, cum prouidentiae sit opportuno tempore his necessitatibus satisfacere. Quae res neglecta uicariorum tuorum uerecundiam tangit, ad rectorum autem officiorum capita uenietur. Manu autem sua rectores scribere debebunt, quid opus sit et in qua necessitate per singula capita uel quanta angariae uel quanta operae uel quae aut in quanto modo praebendae sint, ut recognouisse se scribant, exactionis praedicto ordine inter ditiores mediocres atque infimos obseruando;* also SYMMACHUS, *Ep.* 2.27 [365].

¹⁶⁴ *Cod. Theod.* 15.1.16 [365]. On the topic of financing of structures of the CP, see below ch. III.4.

¹⁶⁵ For the definition of *manceps*, see above fn. 157.

¹⁶⁶ In general, see *Cod. Iust.* 12.50.14: *Publici cursus exhibitio [...] debet comitti [...] his, qui suo periculo ab eminentissima praefectura sub competenti cautela excipiunt;* for *praepositi* (*cursus publici*), see, e.g., *Cod.*

absent from their station(s) for more than 30 days in a five-year period, it seems that they were expected to spend the majority of their time there.¹⁶⁷ Their duties entailed the management and maintenance of the animals and carts as well as the control of permits.¹⁶⁸ In the event that food and provisions gained through the *annona* were insufficient to cover the needs of the stations, they had to purchase the required number of animals and amounts of fodder, doubtlessly from their own funds (or those of the principal).¹⁶⁹ Evidently, a *manceps* thus had to have been a person of some wealth, wherefore it is not surprising that they were still often members of the *curiae*;¹⁷⁰ at other times, officials of the administration were charged with the mancipate, either after honorable retirement or as punishment. The involvement of the governor in equipping stations, as well as the (government-controlled) selection of *mancipes* and their integration into the provincial administration again attest a general streamlining of and greater control over the resources and administration of the *cursus publicus*.

Cod. Theod. 8.7.8 from 366 states that any staff member of the provincial administration had to serve as *manceps*. This duty likewise pertained to the *officia* of the praetorian prefects and governors with the exception of those who were permitted to adore the emperor's purple, ex-secretaries (*cornicularii*), members of the imperial bodyguard (*protectores domestici*), and members of the *scholae* (*scholares*).¹⁷¹ Another law addressed to the praetorian prefect Mamertinus indicates that the mancipate was to be filled with provincials (i.e., decurions) who had received the honorary title of *comes*, *praeses*, or *rationalis*. Clearly exempted from the seemingly onerous task (after all, the law describes it as an annoyance – *molestia*) were those who had received their titles as a favour from the

Theod. 12.1.21 [335]; 8.5.35 [378]: *qui praepositi uocantur aut mancipes, publico denique cursui nomine aliquo praesunt*. The words *κονδουκτόρος* or *κονδουκτορία* are entirely unattested in Greek prior to the 4th century papyri (e.g., *P. Oxy.* VI, 900 [321]; XVII, 2115 [341]). It may thus reflect a Grecized form of the Latin *conductor*; the latter is generally defined as a “Mieter, Pächter, Unternehmer” (H-S, s.v. “conductor”); on *praepositi* and *κονδουκτοροί* as agents of *mancipes*, see AUBERT 1994, 378-81 and 112-4.

¹⁶⁷ *Cod. Theod.* 8.5.36 [381].

¹⁶⁸ *Cod. Theod.* 8.5.23 [365], 24 [365], 35 [378], 53 [395], 60 [400]; 8.5.21 [364] prohibits *mancipes* from charging provincials (*angariarum praebitores*) for wheel wear and other services (*pro rotarum tritura ac ministeriis*), indicating that such services were to be offered at the station.

¹⁶⁹ *Cod. Theod.* 8.5.60 [400]; 6.29.9 [412] with STOFFEL 1994, 151; for the provision of fodder through the *annona* (i.e., by the fisc), cf. 8.5.23 [365]: *et animalibus alimenta, quae fiscus noster suggerit, ministrare*.

¹⁷⁰ *Cod. Theod.* 12.1.21 [325], with the exception of those decurions who had held the post of *flamen* or civil priest (*sacerdos*).

¹⁷¹ Similarly, *Cod. Theod.* 8.5.34 [377/9], which assigns the mancipate to veterans of the governor's *officium* or other office staffs, the only condition being that they are of adequate means for the task; further, cf. 8.5.51 [392].

emperor for their participation in embassies (*legationum reuerentia*), or – in analogy to the above-mentioned constitution from 366 – those who had been honourably discharged from a position at court (*qui emeritis officiis palatinis missione donati sunt*). In a law addressed to the same Mamertinus just over one month later, the circle of eligible individuals was extended to all decurions in case not enough candidates were found in accordance with the first constitution.¹⁷² By the late 370s, members of the municipal senates were exempted from this duty; that regulation had already been in place for some time in southern Italy (*suburbicariis regionibus*).¹⁷³ The reason for this special arrangement may be found in the burden of sourcing fodder and provisions for the *cursus publicus*, which rested on the shoulders of the decurions and was particularly daunting in Italy due to the high population density and the number of *uiae publicae*. A relief from station duty would at least somewhat mollify the members of that class and fit well into the long tradition of special regulations relating to the *cursus publicus* in Italy.¹⁷⁴ Several years later, the exemption for members of city councils and city magistrates was extended to be valid in the entire Western empire, leaving the mancipate to be fulfilled exclusively by veterans of the provincial *officia* immediately following their retirement.¹⁷⁵ This development can be placed in the context of several programmatic reforms of Valentinian, such as increased control over tax registers through governors and landowners, and the reform of the *defensor ciuitatis*, that were to achieve a “Verdichtung der Kontrollmittel auf der untersten, lokalen Ebene,” whose efficiency was guaranteed as they were made up of individuals who had no previous affiliation to the system that they were to supervise. This observation will become even clearer in the discussion of control measures below (ch. III.7).¹⁷⁶

Those selected were to be positioned at each *mansio* or even further apart and had to carry out control duties and manage the feeding of animals. The duration of their service was sometimes to be set at the discretion of the praetorian prefect, although this regulation

¹⁷² *Cod. Theod.* 8.5.23 [10 March 365]; 8.5.26 [26 April 365]: *Cursus mancipes clauularii ex quo genere hominum debeant ordinari, apertissima lege decreuimus. Quorum si praedictae numerus functioni non potuerit occurrere, curiales ad hoc munus sunt uocandi.*

¹⁷³ *Cod. Theod.* 8.5.34 [377/9].

¹⁷⁴ For special regulations relating to Italy, see fn. 192.

¹⁷⁵ *Cod. Theod.* 8.5.34 [379], addressed to Hesperius, PPo of the entire occident together with his son, Ausonius (see COŞKUN 2002a, 136-47).

¹⁷⁶ SCHMIDT-HOFNER 2008b, 71-80 on anti-corruption legislation of Valentinian in general; *idem*, 76 for the quote.

may have been limited specifically to *mancipes cursus clauularii* (pp. 49-50).¹⁷⁷ A papyrus from 321 suggests a normal service period of one year, which remained in place until 381 at the latest; it was then increased to five years, during which time *mancipes* were prohibited – on pain of capital punishment – from leaving their stations for a period exceeding 30 days. In the same law, they were granted the rank of *perfectissimi* (the highest equestrian class) and were liberated from all other compulsory public services (*omnium aliarum necessitatum immunitate fauemus*) after having served with integrity and loyalty; in the following year, they were exempted from the *collatio reparationis*, i.e., the provision of annual replacements of animals of the *cursus publicus*, as well.¹⁷⁸

Officials tried to evade the apparently very unattractive *munus* by flight¹⁷⁹ or by joining the ranks of the clergy. In order to prevent this from happening, such individuals were first to be dragged back into service; since this measure seems to have met with limited, if any, success, a new regulation was introduced by 385, according to which the culprits would forfeit all their property to the *cursus publicus*.¹⁸⁰ Likewise, the relegation to the mancipate was used to punish officials for usurping various privileges.¹⁸¹

With this general understanding of the mancipate in mind, there are a few special cases that deserve mention. A papyrus from 341 indicating the presence of multiple *mancipes* around Oxyrhynchus (Il. 5-7: ἐν τῷ ἐπιστάλαματι τῶν κονδουκτόρων τοῦ ὀξέος δρόμου...), has been interpreted by KOLB as describing a station at which two *mancipes* served simultaneously; one of the two was supposedly responsible for half a stable. Her interpretation might be correct, but cannot be confirmed beyond doubt with what remains from the fragmentary text. The relevant part breaks off after 10 lines and merely indicates

¹⁷⁷ Different, e.g., KOLB 2000, 195, who explains this regulation by stating that the time of service generally varied before 381 (*Cod. Theod.* 8.5.23 [365]). The context of the relevant law, however, clearly relates this regulation to *mancipes cursus clauularii*.

¹⁷⁸ Service period of one year: *P. Oxy.* VI, 900 [321]; five years: *Cod. Theod.* 8.5.36 [381] and 8.5.42 [382]. The *collatio reparationis* addressed in the latter law refers to the yearly replacement of animals, cf. 8.5.34 [377/9?]; *reparationem...iumentorum*; thus also KOLB 2000, 195.

¹⁷⁹ *Cod. Theod.* 12.1.119 [388].

¹⁸⁰ *Cod. Theod.* 8.4.7 [361]; 8.5.46 [385].

¹⁸¹ *Cod. Theod.* 8.7.9 [366], 16 [385]: adorning the imperial purple or illegally transferring from a civil office to the palatine offices or the *agentes in rebus*; 8.7.19 [397], in which the mancipate is equated with the lowest offices (*uilissima officia*), adds that this penalty shall only apply to those who were born to the social order whose members generally had to fulfill this duty; moreover, in cases where the culprit had died, the penalty was passed on to his son; also 8.4.23 [412], where the penalty is a lifetime of supervisorship (*in aeternum mancipatui*); 8.8.4 [386]: any apparitor of the PPO, who allows himself to be dispatched to his home province, is to be penalized with the mancipate.

that τοῦ νίοῦ Ζεφυρίου Παιανίου ὑπὲρ ἡμίσεος στάβλου καὶ διε- (Il. 8-9).¹⁸² However, what this papyrus, like several others, does prove is that there were *mancipes* responsible specifically for the *cursus uelox* since the reign of Constantine;¹⁸³ the same dedicated position for the *cursus clauulari(u)s* is attested since 365.¹⁸⁴ KOLB interprets this division as indicative of the existence of road intervals along which only one of the two divisions of the *cursus publicus* was set up. In the special case of the two *mancipes cursus clauularii* that are attested during the reign of Valentinian, she speaks of either a limitation of these laws to a geographically restricted area of the empire – presumably the prefecture of Mamertinus, i.e., *Italia, Illyricum et Africa* – but also considers the existence of dedicated *mancipes* for both divisions possible.¹⁸⁵ These occurrences, however, can be contextualized within the evolution of the *cursus publicus*: as shall be outlined below (ch. III.5.3), the transport function of the *cursus publicus* gained in importance in the latter half of the 4th century. Indeed, laws on this topic begin to appear after 362, followed by the first regulations on maximum weights in the later 360s. Therefore, it may have been Valentinian's desire to regulate this aspect of the *cursus publicus* more proactively by establishing *mancipes cursus clauularii* for certain particularly important routes. This solution would be corroborated by the special regulations associated with holders of that post, i.e., the variable definition of their sphere of responsibility as well as their service period, which differed from what is known of other *mancipes*. Their existence also attests that the transport function of the *cursus publicus* was considered important enough to warrant the institution of individuals managing it at the station level. Their late appearance does not exclude the possibility that such officials already existed earlier; but as none of the laws attesting them appears to have been a reaction to an infraction, it seems that the emperor only found it necessary to legislate in this regard in the 360s, speaking for the increased importance of the transport functions of the *cursus publicus* at that time.

Each station was furthermore staffed with muledrivers (*muliones*; one for every three animals¹⁸⁶), wagoners (*carpentarii*), grooms (*hippocomi*) and veterinarians

¹⁸² *P. Oxy* XVII, 2115 [341] with KOLB 2000, 196.

¹⁸³ *P. Oxy.* VI, 900 [321]; XVII, 2115 [341]; for later sources, see KOLB 2000, 196, fn. 4.

¹⁸⁴ *Cod. Theod.* 8.5.23 [365], 26 [365].

¹⁸⁵ KOLB 2000, 196, following STOFFEL 1994, 19.

¹⁸⁶ *Cod. Theod.* 8.5.34 [377/9] indicates one *mulio* for three horses, but the interpretation of *ueredus* as *pars pro toto* for all animals used with the CP seems justified as the term is used in this way in the preceding

(*mulomedici*). These individuals were either *serui publici* and thus supplied with all necessities through the *annona*, or liturgists chosen for the task by their community (or an agent of the *manceps*); by analogy to their superiors, these individuals seem to have been employed for one year.¹⁸⁷ It is possible that this variance in staffing (at all levels) is alluded to in *Cod. Theod.* 6.29.5: *In his dumtaxat prouinciis, in quibus cursus a prouincialibus exhibetur...* . Moreover, Libanius relates that pimps, doctors as well as personnel for cleaning and kitchen duties had to be supplied by the municipalities along with furniture and cutlery.¹⁸⁸

sentence; 8.5.38 [398] = *Cod. Iust.* 12.50.17 admonishes users not to take *muliones* away from the station to which they were assigned.

¹⁸⁷ *Serui publici*: *Cod. Theod.* 8.5.31 [368/73]; *muliones*: 8.5.58 [398]; *hippocomi*: 8.5.37 [382?], 50 [390]; for one-year liturgies completed as *mulio* (ὀνηλάτης), or as sailor on boats or letter carrier (λειτουργίαν εἰς χώραν ἀλιαδίου ἢ τοῦ γραμματοφόρου), both for the CV, in Egypt, see *P. Oxy.* XXXIII, 2675 [318]; VI, 900 [321]; LI, 3623 [359]; and LV, 3796 [412]; CHAPMAN 1978, 126-30 discusses the personnel in more detail and provides an estimate for their numerical strength per station. The results, however, remain uncertain, inhibited as they are by the scarcity of information provided in the sources.

¹⁸⁸ LIB., *Or.* 46.19: τῇ δ' οἶμαι, καταγωγῇ ταύτῃ δεῖ κλινῶν ἐστρωμένων (*benches of various types*), τραπεζῶν (*tables*), τῶν ἐπὶ τούτων ἐχρωμάτων (*drinking cups*), ὀψοποιῶν (*cooks*), τῶν ὑπολυσόντων (*those unyoking = stablehands?*), τῶν ἀπονιψόντων (*those washing = stablehands or general kitchen/station personnel?*), τῶν πόρνας ἀζόντων (*those leading prostitutes, i.e., pimps*), τῶν ἱατρούς (*doctors*), εἰ δεήσειε.

III.4. Financing

Since the inception of the IITS, the majority of the costs of this communication and transportation infrastructure had to be borne by the populace. As was explained above with the example of Sagalassus, municipalities had to maintain stations within their territories;¹⁸⁹ villages on imperial estates were assigned specific road intervals for that purpose.¹⁹⁰ The municipalities could then delegate the various obligations to their citizens or to smaller settlements located on their territories. Initially, users had to pay for requisitioned animals, but even that small relief for the populace disappeared in the course of the 3rd century.¹⁹¹ The burden thus became even more onerous, as repeated attempts of emperors to alleviate the situation suggest. Unfortunately, they are described in such general terms in the sources that it is effectively impossible to elicit any specifics from them.¹⁹² During the Principate, the staffing of roadside stations was also left largely to the discretion of the municipalities. They could do so either by providing all necessary personnel from their own ranks or by hiring a contractor as *manceps*, who might also have provided some or all of the staff for the stations. As stated in the previous chapter, this obligation came to rest entirely on the decurion class in the course of the 3rd century.¹⁹³

This fundamental setup remained in large parts unaffected by the transformation of the IITS into the *cursus publicus*.¹⁹⁴ One change, however, was that provisions for animals (*alimenta* or *pabula*) and travellers (*annonae*) were provided through the land and poll tax since Constantine.¹⁹⁵ As the provincial administration under the direction of the praetorian prefects was responsible for collecting in-kind taxes in the *iugatio-capitatio* system created under Diocletian, it now fell to the governors to assess communities and determine the type

¹⁸⁹ SEG XXVI, 1392 [20/37]; see also CIL III, 7251 [49/50]) from Tegea; AE 1979, 565 [Vespasian] from Thasos; for the obligation to provide fodder, see SEG XVI, 754 [200-37], l. 14.

¹⁹⁰ E.g., SEG XXXVII, 1186 [211-4] from Takina; also see SEG XVI, 754 [200-37] from Sülümenli.

¹⁹¹ The last evidence for payments for requisitions is SEG XXXVII, 1186 [211-4].

¹⁹² E.g., CIL III, 7251 [49/50]) from Tegea with KORNEMANN 1953, 997. Other references are, e.g., a coin from the reign of Nerva, BMC, *Emp.* III, no. 119 = RIC II, no. 93 (*uehiculazione Italiae remissa*), and various short passages from the *Historia Augusta* (i.e., SHA, *Hadr.* 7.5, *Pius* 12.3, *Sev.* 14.2). For an assessment of these and some other sources as well as references to older scholarship, see KOLB 2000, 140-6; for the 4th century, see CIL V, 8987 [362/3] from Concordia with KOLB 1998.

¹⁹³ For the staffing and supplying of stations, see also ch. III.3.

¹⁹⁴ Cf. *Cod. Iust.* 11.55.1 and 38.1, both from the late 3rd/early 4th century; *Cod. Theod.* 11.16.10 [362]: *Omnia igitur, quae consuetudo uel dispositio nostra amplectitur, hoc est cursum publicum [...] cuncti possessores implere pariter compellantur.*

¹⁹⁵ *Cod. Theod.* 11.16.4 [328].

and quantity of goods and services they were to provide as well as how this onus would be distributed: the greatest burden was to be placed on the wealthiest class, the decurions. While the practice of charging provincials for the supply of the IITS in proportion to their wealth is attested in the 3rd century, the new arrangement had the advantage that payments were in theory regularized by the central (or rather, the provincial) administration.¹⁹⁶ However, this standardization does not seem to have had the desired effect everywhere: *Cod. Theod.* 11.1.9 from 6 March 365, addressed to the praetorian prefect *Italiae et Africae* Mamertinus, details that deliveries of fodder had been ordered from the populace irregularly and on short notice in the *suburbicariae regiones* of Italy. This illegal practice (*fraudes tabulariorum*) had been eliminated by the local governor, Anatolius, and Mamertinus was to ensure that the same would be achieved in the rest of Italy.¹⁹⁷ The focus of the just mentioned constitution on Italy might be explained by the particularly high population density and very comprehensive road network of the peninsula which made the burden of supplying the stations of the *cursus publicus* particularly great. Only four days later, another constitution admonishes the same addressee to ensure that *mancipes* would distribute the proper amounts of fodder to animals. The specific association of the fodder with the fisc (*alimenta, quae fiscus noster suggerit*) again shows that the former was indeed a tax-proceed in Italy and beyond.¹⁹⁸

In addition to provisions, the populace still had to provide the animals kept at the stations. It appears that this obligation was fulfilled in two ways: the most common option for the provincials was to provide the appropriate animals in accordance with the instructions of the governor. Alternatively, money could be paid to a *manceps* who would then buy the appropriate animals.¹⁹⁹ The sources do not explain according to which – if any – regular way these two options were employed. In any event, given that a station may have had up to 40 animals at hand and that these animals were on a four-year rotation schedule (with the exception of the province Africa where the number of replacements was

¹⁹⁶ E.g., *Cod. Theod.* 11.16.4 [328]. For the assessment according to wealth, see SEG XXXVII, 1186 [211-4].

¹⁹⁷ On Mamertinus as PPo *Italiae et Africae*, see now COŞKUN 2004.

¹⁹⁸ *Cod. Theod.* 8.5.23 [10 March 365].

¹⁹⁹ *Cod. Theod.* 8.5.64 = *Cod. Iust.* 12.50.19 [403]: *Comperimus provinciales et pabula et pecuniam pro quorum cursualium solemni ratione conferre et extrinsecus paraueredorum onere praeagrari.*

left up to the proconsul), each municipality may have had to provide up to 10 animals for every station on its territory per year.²⁰⁰

The burden of the system on the populace seems to have been considerable as is suggested by the various examples of protective regulations, such as the regularization of fodder supplies described above, the first of which is attested during the reign of Constantine: a law from 326 stipulates that travellers may only requisition oxen designated to the *cursus publicus* (*cursui destinatum*), not those reserved for field work (*aratis deditum*);²⁰¹ another one dated two years later indicates that the obligations assigned by the governor (*onera*) were to be fulfilled by the members of the community in such a manner that the rich were charged first, followed by the moderately wealthy; if anything remained, the governor was to charge the poorest members of the community (*potiori/ditiores [...]* *mediocri [...]* *infimi*). In the same law, farmers who had to complete urgent field work were protected from extraordinary burdens (*onera extraordinaria*).²⁰² Another indicator for the significance of this onus is mirrored by the fact that emperors could use the exemption from them as a reward for office-holding or a sign of favour: thus, after 390, individuals from the highest echelons of the imperial service, the church, as well as rhetoricians and grammarians did no longer have to furnish *paraueredi* or *parangariae*; the only exception to this rule were requisitions made by members of the army.²⁰³

Given the arguments above, STOFFEL's assessment that the "new" method of financing "bedeutet(e)...im Grunde eine Überwälzung der Lasten von den Dekurionen auf die unteren Schichten der Provinzialbevölkerung" thus seems to be inaccurate: as there is no evidence that provisions and fodder for the *cursus publicus* were a charge separated

²⁰⁰ *Cod. Theod.* 8.5.34 [377/9]; even though the time frame within which ¼ of the animals were to be replaced remains unspecified in the text, scholarship generally assumes a one year cycle (e.g., CHAPMAN 1978, 126 and 141; HYLAND 1990, 255-6; AUSBÜTTEL 1998, 107; KOLB 2000, 130).

²⁰¹ *Cod. Theod.* 8.5.1 [326].

²⁰² *Cod. Theod.* 11.16.4 [328].

²⁰³ *Cod. Theod.* 11.16.18 [390]: *Neque sane deest, ubi uel meritorum priuilegia uel dignitatum a communione uindicemus, si quidem ea munera, quae sordida nuncupantur, exceptas lege prohibeamus obire personas, scilicet ne ad eorum obsequia amplissimarum etiam militari fastigio nomina dignitatum uel consistoriani comites deuocentur. Quae simili priuilegio ecclesiis, rhetoribus adque grammaticis institutionis utriusque largimur...; nulla paraueredorum et parangariarum praebitione pulsabitur exceptis his, quas Raetiarum limes, expeditiones Illyricae, quas pastus translatio militaris uel pro necessitate uel pro sollemnitate deposcunt.* Similar privileges of the clergy: 16.2.10 [346]; 16.2.14.3 [357] extends the privilege to the *familiae* of clerics; the regulation for teachers or rhetoric and grammar recalls the writings of the 3rd century jurist Paul who noted that soldiers and teachers of *artes liberales* were exempt from *angariorum praestatio et recipiendi hospitii* (*Dig.* 50.5.10); cf. also KOLB 2000, 131 with further examples.

from the general land and poll tax, it constituted less a novel arrangement than a regularization of an existing practice, although one that met with limited success.²⁰⁴ However, the fact that the method of procurement of these goods was now organized by governors shows the conscious involvement of the central administration in yet another aspect of the *cursus publicus* as well as the interest that was taken in its maintenance, and thus the importance with which it was perceived by the central administration in general.

Finally, the building of roadside stations had to be financed. The pattern of planning and executing such projects seems to have been subject to the same fluctuations during the Principate and in Late Antiquity. The sources suggest that initially, the construction of suitable structure was actively initiated by the imperial government, unfortunately without specifying how these projects were financed.²⁰⁵ It is assumed that, quite rarely, the treasury of the imperial or provincial government paid for such projects;²⁰⁶ with the exception of Italy, the source of funding would much more frequently have been municipal or private coffers,²⁰⁷ although the execution would be supervised by the governor.²⁰⁸ For the 4th century, there exists evidence that such structures were funded (either in money or in kind) by the municipalities as well as provincial governors.²⁰⁹ At the same time, a large degree of central control remained: governors were repeatedly admonished that the only buildings which they were allowed to construct without previous approval by the praetorian prefect or the emperor were stables or government-owned

²⁰⁴ STOFFEL 1994, 23. For a similar contra, see KOLB 2000, 139

²⁰⁵ Thus, for instance, several inscriptions attest the construction of stations ordered by Nero and executed under the supervision of a procurator (CIL III, 6123 = AE 1999, 1397 = IGBulg V, 5691 [61]). AE 1979, 620 [101/2] attests that Trajan ordered the construction of a large inn (*taberna cum porticibus*) between Antioch and Iconium by the governor; IGRR II, 1142 = OGIS 701 [137] records the re-construction of the *uia Hadriana* in Egypt as well as the construction of watch towers, watering places, and stations (*σταθμοί*) for the IITS under Trajan; ARISTID., *Or.* 26.101 states that Antoninus Pius filled deserted places (*τὰ ἔρημα*) with stations (*σταθμοῖς*).

²⁰⁶ E.g., CASS. DIO 68.15.3 states that Trajan built stations along the *uia Appia* at his own expense.

²⁰⁷ BLACK 1995; KOLB 2000, 136-7 and 146-51; IGRR III, 639 [112/7] from Lycia attests the conversion of a *γυμνάσιον* into an accommodation for travellers (*παρόχιον*) with private funds.

²⁰⁸ IGBulg III/2, 1690 = IGRR I, 766 [202].

²⁰⁹ Thus CHAPMAN 1978, 182, who concedes some “degree of official planning and standardisation in (the) layout (of stations).” BLACK 1995, 2: “the role of the central government tended to be supervisory and emperors and provincial governors reacted to requests and proposals from local communities rather than initiating them;” construction under the supervision of government officials: CIL X, 7200 = ILS 5905 [340/50]; CIL VI, 1774 = ILS 5906 [379-83]; CIL V, 8987 = ILS 755 [362/3]; financing of construction projects through provincials: *Cod. Theod.* 15.1.5 [338], 13 [364], 17 [365]; 8.5.34 [377/9]; through the central administration: 8.5.2 [321]; 6 [349]; CIL VI, 1774 = ILS 5906.

storehouses.²¹⁰ Once erected, the *mancipes* (at their own cost!) or the governors – by supervising the *mancipes* – were responsible for the maintenance of such structures.²¹¹

²¹⁰ E.g., *Cod. Theod.* 8.5.34 [377/9]; that it was in the interest of emperors that governors maintained *mansiones* is suggested in 1.16.12 [369]: *Ita enim iudices mansiones instruere et instaurare nitentur*. Restrictions on governors: 15.1.16 [365], 35 [396], 37 [398]. For various stipulations on the construction of public structures, see 15.1: *De Operibus Publicis*. See KOLB 2000, 137-9 with further references to primary sources.

²¹¹ On *mancipes*, see pp. 46-50 above.

III.5. Users, Types of Usage, and Usage Rights

Ever since the late 1st century, the use of the IITS had to be authorized by the emperor or his provincial governors through the grant of *diplomata*. Conceptually, the same procedure applied to the *cursus publicus* although it was adapted to the changing structure of the imperial administration, and the name of permits changed to *euectio/tractoria*.²¹² Likewise, the caveat that permission to utilize the resources of the IITS or the *cursus publicus* could only be granted to officials – both *militantes* and *dignitates*²¹³ – on missions for the central government is attested in the 1st century; this restriction finds frequent confirmation in the Theodosian Code by way of explicit prohibitions of the private use of either division of the *cursus publicus*.²¹⁴ At the same time, the emperor could of course always extend permits to those he judged deserving of this privilege for any reason.²¹⁵ These lines of continuation notwithstanding, the relatively high density of sources for the 4th century allows developments in some aspects of the usage rights to come to light, particularly regarding usage types and user groups.

After an introductory section on general regulations applicable to all users, this chapter will first focus on the rules and regulations surrounding the use of the *cursus publicus* for travelling, followed by those relating to transportation carried out through it. Lastly, the use of the *cursus publicus* by bishops and by the military will be discussed in turn. These studies will show not only a notable increase in the number of users, but also the appearance of regulations governing specific usage types as the 4th century progressed, attesting that the central administration made increasingly conscious and effective use of the resources of the *cursus publicus*.

²¹² Cf. *Cod. Theod.* 8.5.8 [356]: *euectiones ab omnibus postulentur*; 8.5.27 [365] For changes in creating and granting permits, see ch. III.6; for the administration of the CP, ch. III.3; on *euectiones* and *tractoriae*, ch. V.

²¹³ I am following NOETHLICH 1981, 20-34 in my understanding of these two terms. He defines *dignitates* as “alle die Würdenträger, die die „Notitia Dignitatum“ [...] als Chefs selbständiger Verwaltungseinheiten aufzählt;” this does not include senators without a magistracy (on these, see p. 59). The term *militantes* refers broadly to “eine(r) Tätigkeit im Staatsdienst..., ohne daß diese Tätigkeit näher charakterisiert wird. Dabei bleibt offen, ob es sich um militärische oder zivile Einheiten handelt.”

²¹⁴ For prohibitions of private use, see, *Cod. Theod.* 8.5.10 [344], 15 [362], 44 [384]: *nullus euectione utatur priuatus*; 47 [385], 54 [395]. For examples, see KOLB 2000, 86-7 and 93-4.

²¹⁵ *Cod. Theod.* 8.5.4 [326]; JULIAN., *Ep.* 34 (ed. CUMONT – BIDEZ = 43 ed. WRIGHT), 41 (ed. CUMONT – BIDEZ = 54 ed. WRIGHT), 46 (ed. CUMONT – BIDEZ = 15 ed. WRIGHT); for further examples, see KOLB as cited in fn. 214 above. Cases in which high-ranking officials, after consulting the emperor, were granted the use of the CP for their journey home after retirement from imperial service would count towards this category as well (*Cod. Theod.* 8.5.39 [382] and 44 [384]).

III.5.1. General Rules and Regulations

As mentioned above, there were a number of regulations that applied to all users regardless of the purpose for which they used the *cursus publicus*. On the whole, these regulations were to ensure the efficient and appropriate use of government property. Thus, users were to employ only switches or whips with a small prick instead of “knotty and very stout clubs” (PHARR) in order to protect the animals.²¹⁶ Furthermore, if a station had too few or none of the animals at hand which were indicated in a user’s permit, he had to wait for the proper animals to be returned; obviating a wait by hitching riding horses of the *cursus uelox* in front of his vehicles instead was explicitly forbidden. This regulation cannot be explained with the fact that ancient yokes rendered the horse ineffective for draft duty, a stereotypical notion that has often been taken recourse to in 20th century scholarship.²¹⁷ Rather, one might expect that Valentinian I wished to ensure the availability of fast horses for his own couriers by preventing extraordinary uses of that (expensive) type of animal. After all, this might have been precisely one of the motivations for the establishment of the subdivisions of the *cursus publicus* under Constantine in the first place! Presumably for a similar reason, animals were not to be taken further than one *mutatio*.²¹⁸ Moreover, all users – with the exception of the praetorian prefects – were prohibited from deviating more than 500 *passus* (ca. 740 m²¹⁹) from a road along which the *cursus publicus* was set up (*itinere solito/recto*). This distance would have allowed users to access stations which were not located directly off the side of the road and prevented them from tending to private matters, such as the delivery of a personal letter from a friend, along the way.²²⁰ Lastly, anyone travelling on a *reda* was permitted to be accompanied by someone *ad tutelam uitae uel laborem adeundum itineris pro solacio*.²²¹

III.5.2. Travelling

²¹⁶ *Cod. Theod.* 8.5.2 = *Cod. Iust.* 12.50.1 [316].

²¹⁷ *Cod. Theod.* 8.5.24 [365] with KOLB 2000, 215, fn. 2 for references to secondary scholarship.

²¹⁸ *Cod. Theod.* 8.5.53 [395].

²¹⁹ Where 1 *passus* = 5 Roman feet (à 29.5 cm) = ca. 1.48 m (cf. HÖCKER 1999).

²²⁰ *Cod. Theod.* 8.5.25 [365]. For attempts to regulate this type of abuse in the 3rd century, see STOFFEL 1994, 105; distances of stations from roads, e.g., CORBIAU 1992, 186 (more than 100 m or 200 m). On stations in general, see ch. III.1. Elimination of private detours: HYLAND 1990, 254; CROGIEZ-PÉTREQUIN 2003, 148-52 with examples.

²²¹ *Cod. Theod.* 8.5.4 [326].

Most commonly, messengers or other *militantes* and *dignitates* travelling for various official purposes would have used the *cursus publicus* to accelerate their journeys. To do so, most of them required a permit. Several laws in the Theodosian Code allow pinpointing more precisely who these users were. A law from 316 names leading members of the *officia* of the administration (*promoti*) or common officials and soldiers (*munifices*).²²² The circle of authorized officials further included advocates (*scholastici*) who worked as legal experts for the provincial *officia* as well as members of the inner court administration.²²³ Proportionally, the largest group of users consisted of imperial messengers. Before identifying the officials who were most commonly charged with this duty, it must again be noted that, conceptually, any official carrying a permit could function as messenger; this said, it is not always clear whether these individuals were also authorized to travel via the *cursus publicus*.²²⁴ In any event, it is likely that at least those messengers hurrying along to deliver dispatches between all layers of the provincial administration and the imperial court held permits, at least when they were dispatched by the emperor or one of the magistrates who had the right to create and distribute permits (*ius faciendi*), i.e., the *magister officiorum*, the praetorian prefect(s), and (for a time) vicars, or less often also by those who were permitted to distribute (*ius emittendi*) those documents, i.e., the governors, *uicarii*, *magistri militum*, *duces*, and (temporarily) the *praefectus urbi*.

Most important for the study of the *cursus publicus* in this regard – not least due to the significant number of sources relating to them – are the *agentes in rebus*. Also known as the emperor's eyes and ears, they represented the largest group of regular user and had the authorization to use the *cursus publicus* in order to fulfill both their special assignments (*curas agere*) and their duties as imperial messengers.²²⁵ They were sometimes referred to as *ueredarii*, although the exact role of individuals labeled thus must be verified on a case-

²²² *Cod. Theod.* 8.5.2 [316] with STOFFEL 1994, 83 and PALME 1999, 110 for *promoti*; see also STOFFEL 1994, 83 for the meaning of *munifex*.

²²³ *Cod. Theod.* 8.10.2 [344]: *officialibus et scholasticis*. On *scholastici*, see PALME 1999, 103. *Cod. Theod.* 7.12.2 [379]: *de scriniis aut agentibus in rebus vel etiam ex officiis palatinis, his uidelicet, qui sacrarum et priuatarum remunerationum comitibus*.

²²⁴ See KOLB 2000, 269-94 on (official) messengers in general; further STOFFEL 1994, 101, who states that the *custodes* and *prosecutores* mentioned in *Cod. Theod.* 8.5.18 [364] and other constitutions (e.g., 1.15.3 [352]) were in all likelihood at times employed – for less urgent and important documents – as couriers in order to limit the necessity of using *agentes in rebus*.

²²⁵ Largest group of users: KOLB 2000, 84.

by-case basis.²²⁶ The importance of their status as users of the *cursus publicus* is further underlined by a number of privileges that were granted to them: since 360, they were the only users permitted to requisition *paraueredi*. However, this regulation may only have applied when they were dispatched as guides for troops (*ad mouendum militem*), as later constitutions suggest: by 400 at the latest, any user with the appropriate annotation in his permit could requisition *paraueredi* again. Next, a constitution from 362 permitted them to requisition *parhippi* both for themselves and for their *muliones*. Finally, in 386, a law which had previously allowed *curiosi*, i.e., senior members of the *schola agentum in rebus* charged with the control of the *cursus publicus* (ch. III.7) to requisition a maximum of two horses when travelling to take up their posts in the provinces was extended to the *agentes in rebus* at large, adding them to the privileged group of individuals who could requisition according to a customary allowance without having that number stated in their permit (pp. 60-1).²²⁷

Especially in the second half of the 4th century, several laws allow the use of the *cursus publicus* to an ever growing circle of individuals, such as delegations from provincial cities usually consisting of decurions and senators in order to transmit petitions and acclamations to the emperor. Contrary to senators, whose rights in this regard were first defined in 371, decurions had been permitted to employ the *cursus publicus* for the just stated purpose most likely since the early 4th century.²²⁸ Even later, *priuati* could use the *cursus publicus*, but only when they were summoned by the emperor himself (*a nobis euocatur*).²²⁹ Alongside these delegates from within the empire, the *cursus publicus* was

²²⁶ *Cod. Theod.* 8.5.50 [390]. On the *ueredarii*, see PASCHOUD 1983, 238-43, part. 240-2; further, cf. STOFFEL 1994, 100 (inaccurate); KOLB 2000, 270-1.

²²⁷ *Cod. Theod.* 8.5.7 [360]: the attestation of this task for *agentes in rebus* is unique in the sources, cf. STOFFEL 1994, 90; 8.5.59 [400] and 63 [401] indicate the loosening of the previous regulation. Permission to requisition *parhippi*: 8.5.14 [362], 49 [386].

²²⁸ *Cod. Theod.* 8.5.32 [371]: *Euectionum copiam senatui, cum proficiscendi ad nos necessitas fuerit, serenitas nostra largita est. Nam si adclamationibus populi Romani nostri aliisque antiquis et sollemnibus rebus concessa iugitas inlibata seruatur, prouincialibus etiam, quando e re esse censerent, euectionum copia non negata est, ut ad nos sumpta euectione contendant, quanto magis huius arbitrii his facultas est deferenda, quos collegii merito uidere frequentius cupimus?* See 12.12.6 [369] for provincial *legati*, although this constitution does not specify whether these *legati* used the CP. That it is likely that this permission was granted under Constantine has been outlined above in ch. II.3. For later examples, see, e.g., 12.12.9 [382].

²²⁹ *Cod. Theod.* 8.5.54 [395].

also available to embassies from foreign peoples, although they first had to reach a station at which it operated with their own animals.²³⁰

Before turning towards the extent to which the *cursus publicus* was employed for transportation, one group of users remains to be discussed: the *dignitates*. As might be expected, the sources confirm that these officials were indeed permitted to make use of this infrastructure, albeit to varying degrees and, with the exception of the praetorian prefects, never without a permit. Beyond this ‘formality,’ it appears that governors and vicars were also somewhat restricted with regards to the extent of their respective usage rights. Thus, governors were prohibited from requisitioning *agminales* or *paraueredi* already in 336, as they received *annonas et alimenta pecoribus* (provisions and food for their animals). Although the term *pecus*, *pecoris* (n.) is most commonly associated with a herd of (small) cattle, the distinction with *pecus*, *pecudis* (f.), designating a single head of cattle or an animal in general, disappears in late Latin. Therefore, in the given context, the interpretation of *pecoribus* as animals of the *cursus publicus* seems appropriate. Praetorian prefects were explicitly excepted from this restriction: they alone were permitted the use of *agminales publici*, but only while travelling on *uiaes militares* along which the *cursus publicus* was not set up.²³¹ Whether this meant that he could use animals requisitioned at a roadside station or whether he was permitted to make extra requisitions from the populace must remain an open question. In any event, this restriction may have been connected to the comparatively high number of governors, whose regular circuits through the provinces would have been carried out with a sizeable staff. Relatively free requisitioning from the resources of the provincials on these trips without payment would have had a crippling effect. The usage rights of the vicars were only defined clearly in a law from 382, establishing that they were to use a maximum of 30 donkeys (*asini*) and 10 horses (*ueredi*)

²³⁰ *Cod. Theod.* 7.1.9 [367]: *regalibus et legatis*; 8.5.57 = *Cod. Iust.* 12.50.16 [397]: *legati de diuersis gentibus*.

²³¹ *Cod. Theod.* 8.5.3 [336]: *Vestrae uero grauitatis ubi ratio exegerit, cursus publicus praesto est, quibus si a publico itinere aliqua militari uia deuertendum fuerit, ubi euectio non erit, publicis utemini agminalibus, sed modice et temperate tantum ad usum proprium necessariis*. For the interpretation of *euectio* in the underlined section as designating the *cursus publicus* as a whole, see fn. 386. Whether the vicar at this time would have been considered to fall under the category of the PPO (as his deputy) or the governor (as head of a diocese) remains unspecified in this constitution, but the former seems most likely until specific rules for the vicars existed. For the distinction between *pecus*, *pecoris* (n.), and *pecus*, *pecudis* (f.), see LSD s.v. “1. *pecus*” and “2. *pecus*.”

when setting out on a journey. Any requirements in excess of that number would have to be provided for from their own resources.²³²

Contrary to what one might expect, the same constitution (*Cod. Theod.* 8.5.38) in no way indicates that a travelling vicar required a permit to requisition means of transportation if staying within the maximum as defined above. Four years later, another constitution, which will be discussed in the context of military users below, defines allowances for various military officials in a similar manner.²³³ The appearance of such limits defined according to an official's position in the administration begs the comparison with similar regulations from the 1st century, when some users could requisition a specific maximum allowance in accordance with their rank or social class.²³⁴ By analogy, certain users may have had this same privilege from the late 4th century onwards. This arrangement would both decrease the amount of paperwork necessary for the process of authorization, and simultaneously limit the already prevalent practice of illegally issuing permits (ch. III.5). The difference was that such an individual still needed to carry a permit authorizing his use of the *cursus publicus* in general, but it did not have to include a reference to the type or number of animals and vehicles that he could requisition. Annotations were only required if other privileges were added, such as extended lodging (*vis-à-vis* customary lodging, *statiuus solitus*), or in order to requisition more than or a

²³² *Cod. Theod.* 8.5.38 [382]: *Proficiscente uicario triginta asini, ueredi decem tantummodo moueantur, quinquaginta librarum auri dispendio eius officio, si haec fuerint contempta, non inmerito subiugando. Illud etiam similiter obseruetur, ne quis faciendae euectionis sibi uindictet facultatem.* STOFFEL 1994, 115, argues that due to the relatively high allowance of animals granted to vicars in comparison with the transmitted numbers for other officials, *proficiscente* ought to be interpreted as signifying only the vicar's trip to take up his office. Even though a later law indicates that special regulations existed at least for *duces* which permitted the use of the CP for exactly that purpose (*Cod. Theod.* 8.5.66 = *Cod. Iust.* 12.50.20 [407]), his interpretation remains unconvincing: first, the meaning of *proficisci* is much broader; second, the punishment of the *officium* indicates that its members were involved in the travelling described in the law, both as the vicar's retinue and in an organizational capacity. As the vicar joined his *officium* upon arrival at his headquarters, STOFFEL's suggestion cannot stand. It must also be stated that there is no other attestation of maximum allowances for any other leading officials of the administration, merely for their subalterns, which might explain the lack of similarly high maxima.

²³³ *Cod. Theod.* 8.5.49 [386]; also cf. 6.29.6 [381], which sets the maximum for *curiosi* at two horses; further, 8.5.45 [384], which sets a maximum allowance for certain army units (*numeri*). On these, see below p. 67.

²³⁴ SEG XXVI, 1392 [20/37] with LEMCKE – COŞKUN 2013; on the problem of identifying such users, LEMCKE 2012 (for the Principate).

variation of the customary maximum (*sollemnis numerus*).²³⁵ However that may have been, vicars certainly lost the right to requisition without a permit by 401.²³⁶

On the macro-level, the chronological gap between the regulations pertaining to governors and to vicars might be explained in the context of the evolution of the Roman administration. As various studies have shown, the dioceses only emerged as independent *Mittelbehörden* during the second half of the 4th century. It was in conjunction with this process that vicars, who had heretofore acted as “auf bestimmte Regionen festgelgte Vertreter der Präfektur mit abgeleiteter, aber nicht eindeutig untergeordneter Kompetenz in niedrigerem Rang,” appeared as administrative instance between the prefectural and the provincial level; in other words, this development is synonymous with the appearance of a truly three-tiered system of administration: praetorian prefect – vicar – governor.²³⁷ This transformation logically resulted in the dissociation of the rights and privileges of vicariate and prefecture. In extension, the creation of specific legislation regulating the rights of the vicariate became very much necessary and desirable in the latter third of the 4th century, and the present law might be seen as an expression thereof. In the East, the subordination of the vicariate was accompanied by a decline in usage rights: by 401, all officials of the provincial administration, including vicars, were prohibited from employing the resources of the *cursus publicus* themselves.²³⁸

After consideration of the vicars’ right to create and grant permits vis-à-vis that of the praetorian prefects (ch. III.6.2), it becomes clear that they developed in a fashion loosely following the just outlined appearance of maximum allowances: while vicars, like praetorian prefects, initially held full issuing rights, their privilege was limited in 362 with the result that they could now only create permits under special circumstances (i.e., for the transportation of tax proceeds or possibly for delegates dispatched from an entire diocese to the imperial court) while receiving an annual allotment of permits to be used at their discretion. In 382, they were deprived of that privilege in the East. In contrast, praetorian

²³⁵ For requisitioning more than the standard: *Cod. Theod.* 8.5.35.1 [378]: *si tamen necessitas maior coegerit, super sollemnem numerum iubemus admitti quos aut sacras litteras ferre constiterit aut habere in euectionibus adnotatum, ut aliqua de causa instantius ire iubeantur*. For extended lodging: 8.6.2 [392].

²³⁶ *Cod. Theod.* 8.5.62 [401].

²³⁷ NOETHLICH 1982, 80-1; with some criticism, particularly with regards to the introduction of the diocesan structure proposed by NOETHLICH, see MIGL 1994, esp. 54-69 and 153-60; quote from MIGL 1994, 66.

²³⁸ *Cod. Theod.* 8.5.62 [401].

prefects always held full issuing rights and maintained this privilege next to the emperor and the *magister officiorum*.

III.5.3. Transportation

While the previous section focused on the use of the *cursus publicus* for travelling, this section shall examine the types of transportation carried out with this infrastructure. Indeed, under this aspect, the greatest changes from the conditions of the Principate will become apparent and illustrate again the importance of the *cursus publicus* for the central administration to facilitate transportation tasks. This late development might not least have been conditioned by the fact that, as was shown above (ch. II.3), a relatively extensive transportation function was only consciously added to the IITS at the turn from the 3rd to the 4th century.

The first clear attestations of transportation carried out with resources of the *cursus publicus* come from the latter half of the 4th century, although it is likely that the system was already employed to some extent for some or all of these from the reign(s) of Diocletian and/or Constantine on.²³⁹ The first explicit reference to the transportation of goods for the government appears in 362: permits for the use of the *cursus publicus* were to be granted for the *inlatio specierum largitionalium*, including precious metals as well as monetary tax proceeds; a law from the following year contains a reference to *publicae species* which were to be transported with the *cursus clauulari(u)s* on Sardinia. This law, among others, has in the past been taken as proof that the *annona* was at least partially transported with the *cursus publicus*.²⁴⁰ This interpretation has recently been challenged by KOLB, who cautions that *publicae species* could be used as “Oberbegriff für staatliche Güter” and thus could, but did not have to refer to the *annona*. The argument for the transportation of the *annona* at least under special circumstances might be strengthened if the specific context is considered: alongside North Africa, Sardinia was an extremely important source of grain for the Western Empire, the regular supply of which was a matter

²³⁹ One might, e.g., point to *Cod. Theod.* 8.5.3 [326], which denies, among others, fiscal representatives (*rationales*) to requisition *paraueredi* without questioning their use of the CP in general, thus implying that they had held that privilege for some time already.

²⁴⁰ E.g., STOFFEL 1994, 23.

of utmost importance to the central government.²⁴¹ In any case, the transportation of *species* through the *cursus publicus* finds confirmation in various subsequent laws, with the caveat that by 364, itemized lists of the cargo had to be submitted when applying for a permit.²⁴² By 374, in addition to tax-proceeds in silver and gold, military clothing (*uestes militares*) was to be transported all the way to the military camp for which it was destined with the *cursus publicus*. As before, the cargo needed to be inspected and approved in order for a permit to be granted.²⁴³ Following another extension in 386, linen or cloaks (*lintea uel amictoria*) for the army as well as delicate garments (*delicatae uestes*) and linen for cloaks bound for the imperial court (*linteam amictorum nostrorum*) were moved with the *cursus publicus*. In addition, if gold and silver of the emperor's *res priuata* were to be transported, maximum loads were fixed at 300 and 500 pounds per *reda*, respectively; if intended for treasury (*sacrae largitiones*), the maxima were set at 500 and 1,000 pounds, respectively.²⁴⁴ Given this range of load restrictions, it seems appropriate to equate the *reda* referred to here with those described earlier, although, hypothetically, it may have been possible to substitute a *reda* with a *carrus* when gold was transported in order to avoid delays. In general, the lighter loads would have resulted in faster transportation and safer conveyance of the emperor's personal funds.²⁴⁵ It is more difficult to explain the differentiation made between gold and silver, but it seems likely that the rationale behind it was the greater importance of gold coins – *solidi* – in the day-to-day business of the late Roman central administration as they were used to pay wages, *donatiua*, and tribute to foreign rulers.²⁴⁶ Compared to earlier regulations which had merely defined general maximum loads for the various types of carts, this law suggests yet again a very conscious use of the *cursus publicus* by the central administration, in particular to transport precious metals. Considering the general importance of the latter to finance both war and peace as

²⁴¹ *Cod. Theod.* 8.5.13 [362], 16 [363] with KOLB 2000, 233-4; for a survey over the economic importance of Sardinia, cf. VISMARA 2011, esp. 56-64.

²⁴² Cf. *Cod. Theod.* 8.5.18 [364]: *si quando praepositus largitionum species transmittendas necessarias esse suggesserit ac breuem diuersarum specierum, cui subuectio uehiculorum poscitur, designauerit, a praesidibus diuersorum officiorum euectio competens praebeatur*; 8.5.20 [364], 47 [385].

²⁴³ *Cod. Theod.* 8.5.33 [374]: *Eaedem autem uestes militares usque ad ea loca sunt transferendae, ubi ipsi milites sunt constituti, neque enim paulo deuerticulo abducendi sunt ab excubiis sibi pro publica utilitate commissis. Tales igitur uestes a prouinciis dirigantur, quae, priusquam mouentur, inspectione grauitatis tuae displicere non possint.*

²⁴⁴ *Cod. Theod.* 8.5.48 [386].

²⁴⁵ Thus also HYLAND 1990, 257; KOLB 2000, 97.

²⁴⁶ VAN HEESCH 2006. For the importance of gold in the Later Roman Empire, see MOORHEAD 2012, 602-9.

well as the ongoing expenses of running the empire, entrusting their transportation to the *cursus publicus* is testimony to its efficiency and reliability. Lastly, a law from 392 even shows that wild animals for the court were shipped using the *cursus publicus*.²⁴⁷

These transports were most commonly carried out with *redae* or *angariae*, although the former were preferred particularly for tax proceeds. In either case, suitable carts were to be chosen in accordance with the weight of the transported goods;²⁴⁸ the convoys were accompanied by two or three official guards, so-called *protectores* or *custodes*, who would ride on the carts. Later, the legal maximum for escorts was set at two *palatini* and three slaves per vehicle.²⁴⁹

III.5.4. Special Cases? Use of the *cursus publicus* by Bishops and the Military

a) Bishops

Over the course of the 4th century, Christianity gained an ever greater foothold in the Roman world, particularly thanks to the support it found in all but one of the emperors after 312. Starting with the reign of Constantine, a number of laws, particularly in book 16 of the Theodosian Code, detail the duties and privileges of the clergy; moreover, there was a progressively closer interplay between the increasingly influential bishops and the emperors, a development exemplified most clearly in the case of the charismatic Bishop Ambrose of Milan who forced the Emperor Theodosius to kneel before him following his return from Thessalonica!²⁵⁰ Thus, it should not come as a surprise that bishops were privileged with access to the *cursus publicus*. The extent to which this occurred is to be examined in the following.

In his *Res Gestae*, Ammianus Marcellinus laments the excessive use of the *cursus publicus* by bishops with the words: “And since throngs of bishops hastened hither and thither on the public post-horses to the various synods, as they call them, while he (*viz.* Constantius II) sought to make the whole ritual conform to his own will, he cut the sinews

²⁴⁷ *Cod. Theod.* 8.6.2 [392], with later (albeit uncertain) sources KOLB 2000, 97, fn.7.

²⁴⁸ *Cod. Theod.* 8.5.47 [385].

²⁴⁹ *Cod. Theod.* 8.5.18 [364]; 47 [385], which also indicates that convoys were to be accompanied by some *quos necessitas prosecutionis adiunxerit*; 48 [386].

²⁵⁰ THEOD., *Hist. eccl.* 5.17-8; CAMERON 1993, 66-84. DEMANDT 2007², 527-8 and 546.

of the courier-service” (transl. ROLFE).²⁵¹ Modern scholarship has accepted this assessment to varying degrees and thus concluded the more or less commonplace use of the *cursus publicus* by bishops.²⁵² However, it seems justified to take the rather dramatic account of the 4th-century writer with a grain of salt, given his sometimes sarcastic attitude towards Christianity and the Church and his negative bias towards Constantius II.²⁵³ This said, a variety of other sources attest the use of the *cursus publicus* by bishops for the following reasons: to travel to synods convened by the emperor;²⁵⁴ at least sometimes to deal with church-internal matters;²⁵⁵ and to travel to the emperor when summoned.²⁵⁶

Considering that the latter two cases feature only in relatively few sources, they may indeed not have translated into significantly more traffic demands on the *cursus publicus*. The same cannot be said for the synod attendance of bishops. If, as the writings of Ammianus and others suggest, it was indeed commonplace that bishops received permits when following a summons of the emperor, then this would at least have applied to most of those attending synods convened by the emperor which often had several hundreds of participants.²⁵⁷ Nonetheless, there is one problem that needs to be addressed at this point: the extant testimonies are usually limited to individual bishops or small groups of them; of these, a number only refer to grants of privileges, such as provisions, which scholarship has generally considered equivalent to the permission for the use of the *cursus publicus*. That such grants could be made regardless of whether the recipient held a permit

²⁵¹ AMM. MARC. 21.16.18: *ut cateruis antistitum iumentis publicis ultro citroque discurrentibus per synodos (quas appellant), dum ritum omnem ad suum trahere conatur arbitrium, rei uehiculariae succideret neruos.*

²⁵² E.g., HOLMBERG 1933, 133-4; HYLAND 1990, 262; different: BARNES 1998, 88-90.

²⁵³ STOFFEL 1994, 13; for a more cautious view, see also KOLB 2000, 87-92, who argues against considering bishops as a “Sonderfall” among the user groups of the CP. On Ammianus, see MATTHEWS 1989 and BARNES 1998.

²⁵⁴ Thus DEMANDT 2007², 542; OPT., *App.* 3 (travel to the council of Arles, 314), 8 (return to Africa by four bishops from the same council); EUSEB. *Hist. eccl.* 10.5.23 (grants the Bishop Chrestus a public vehicle, *δημόσιον ὄχημα*), *Vit. Const.* 3.6.1: differentiates between use of CV and CC, but it looks like all bishops had at least the right to use the CP to travel to the council of Nicaea (325); for more sources, see KOLB 2000 as cited in fn. 253 and CROGIEZ 2003, 154-6.

²⁵⁵ GREG. NYSS. 2.12-3: Gregory received the permission to use the CP for his travels to the vicinity of Jerusalem and the city itself to re-establish order by mediating some church-internal disputes there. While conceding that Gregory was most likely “ausnahmsweise ermächtigt,” STOFFEL 1994, 13-4, points out that the bishop was in this case “einem Staatsbeamten gleichgestellt.”

²⁵⁶ E.g., SOCR. 1.25; for more primary sources, see STOFFEL 1994, 13, fn. 95.

²⁵⁷ Cf. Ammianus as quoted in fn. 251; further, THEOD., *Hist. eccl.* 2.16.17; see MACMULLEN 2006, 2-4 for an overview over church councils from the early 4th to the 6th century: he lists a total of 116 councils for the 4th century, eight of which are attested to have had over 100 participants. See BARNES 1998, 88-90 with doubts.

is suggested, for instance, by Augustine's use of *euectio cum annonis*, wherefore much of this evidence remains inconclusive for the question at hand.²⁵⁸ Nevertheless, a further argument makes it seem likely that the use of the *cursus publicus* to attend these synods was relatively commonplace, or at least became thus as the 4th century progressed: judging from the correspondence of Augustine, the term *tractoria*, which was used to denote a permit for the use of the *cursus publicus* similar to an *euectio* (ch. V), had gained the meaning of 'invitation to a synod' by the early 5th century.²⁵⁹

In any event, even if bishops did not contribute significantly to the number of 'daily' users, they were clearly singled out as a group separate from *priuati* who had – unless specifically invited by the emperor – no right to use the *cursus publicus* on the one hand, and officials on the other. Indeed, several privileges of this group, e.g., to act as judges in civilian cases (*episcopalis audientia*) and the exemption from certain taxes to name but a few, show that they gained the status of 'quasi-officials' in the course of the 4th century. In this light, it is not surprising that bishops received permits much more easily and commonly from the emperor than *priuati*, but the absence of any laws discussing their usage rights suggests that they were not considered to be 'regular' users whose access to the system required a special set of regulations.²⁶⁰

b) Military Use

The extent to which the military made use of the resources of the IITS during the Principate is largely unknown. Indeed, there are no sources for that time period which attest more than the occasional use by soldiers acting as messengers and a possible – although unlikely – cooperation in the administration of stations.²⁶¹ As was shown earlier,

²⁵⁸ AUG., *Epist.* 117 [410]; travelling bishops: THEOD., *Hist. eccl.* 2.26.4, SOCR. 2.39, and SOZOM., *Hist. eccl.* 4.22 (160 eastern bishops at Seleuceia): of the attendants, at least Hilarius was granted the use of the CP (SULP. SEV. 2.42: *per uicarium ac praesidem data euectionis copia*); SULP. SEV. 2.41.1-3, ATHAN., *Syn* 8.1, and SOZOM. 4.17.2 (400 western bishops at Ariminum). None of these sources attest the use of the CP. Sulpicius Severus is cited in KOLB 2000, 90, fn. 5 and fn. 7, but both passages are taken out of context: he states that the bishops were granted *annonas et cellaria*; he does not speak of travel permits or, as is otherwise often the case, public animals.

²⁵⁹ Cf. AUG., *Epist.* 59 [401].

²⁶⁰ On the role of bishops, see also HONORÉ 1998, 3-6. Overall, I think that contrary to KOLB's conclusion it is indeed justified to speak of bishops as "Sonderfall." So also COŞKUN 2002-2012.

²⁶¹ This suggestion has in the past been advanced on the basis of TAM IV, 39 [3rd cent.] = AE 1955, 266: *Ἀγαθὴ τύχη. Μάρκος Στάτιος Ἰουλιανὸς καὶ Σ[- -]λιος Ῥοῦφος στρατιῶται σπείρης ἑκτης ἱππικ[ῆς] οἱ ἐπὶ τῶν σ<τ>ατιῶνων τῶν ἄκτων καὶ νουμέρων καὶ οἱ [μ]ουλίωνες οἱ ἐπεστώντες συνωρίᾳ εὐχαριστοῦσιν Λευ[κο]ύλλῳ Ἡδύος ἐπιμελητῇ κτηνῶν Καίσαρος.* The uncertainties in interpreting the word *συνωρία* as well

it is nonetheless possible that the ox-carts of the IITS were used to transport some military supplies, but this suggestion is based on a back projection of the information provided in the Theodosian Code for the 4th century.²⁶²

Just as the sources for the transportation tasks carried out within the *cursus publicus*, references to the use of its resources by the military appear in the second half of the 4th century. In 360, the army was given the permission to requisition a maximum of two *angariae* to transport sick soldiers.²⁶³ Ammianus also indicates that the army made use of the *cursus publicus* to transport soldiers and supplies, particularly in times of war; this was still the case in the 5th century.²⁶⁴ In 384, units commanded by military tribunes – *numeri*²⁶⁵ – received the permission to requisition one or two *redae*.²⁶⁶ The variation in size of each of these units suggests that the quantity of means of transportation which could be requisitioned depended entirely on the presence of the tribune. This interpretation is further supported by the first part of the constitution, which addresses obligations of military tribunes and was thus entered separately in the Theodosian Code.²⁶⁷ Two years later, concurrent to the extension of requisitioning privileges according to rank as seen in the case of vicars, a constitution from Theodosius I assigns maxima to several (military) officials in the East: counts (*comites*) could requisition four horses (*ueredi*) and one *parhippus*; military tribunes (*tribuni militum*) three horses; members of other special military units, i.e., members of the household guard (*domestici*) and the imperial bodyguard (*protectores*), were granted the use of two horses.²⁶⁸ However, beyond the

as the exact position of the *ἐπιμελητὴ κτηνῶν Καίσαρος*, however, render any results gained on the basis of this inscription hypothetical. See further KOLB 2000, 188-90.

²⁶² Cf. BREEZE 2000, 61, who considers the use of the IITS a possibility; ELTON 2005 does not mention the CP at all in his study of the supply of the Late Roman army in Asia Minor.

²⁶³ *Cod. Theod.* 8.5.11 [360].

²⁶⁴ AMM. MARC. 20.4.11; 21.13.7; *Cod. Iust.* 12.50.21 [439/41], 22 [467/8].

²⁶⁵ DEMANDT 2007², 311. For a much less certain definition of *numeri*, cf. ROWELL 1937; NEUMANN 1972; CAMPBELL 2000; LE BOHEC 2010, 90.

²⁶⁶ *Cod. Theod.* 8.5.45 [384]: *Nullus numerum amplius quam singulas uel binas angarias secundum prius nostrae praeceptum serenitatis usurpet*. The translation of *numerum* is problematic. STOFFEL 1994, 118 decides against the archaic genitive plural of *numerus* and, following MOMMSEN, prefers the ablative *numero* referring to *angarias* ('in number'). Contrary to STOFFEL, and following KRÜGER, I prefer to maintain the archaic genitive.

²⁶⁷ *Cod. Theod.* 8.5.45 + 7.1.12 [384] (*numeri* not mentioned here, but *tribuni*); moreover, the term *numerus* is used in various other constitutions with this meaning, e.g., 7.1.4 [350], 7 [365], 16 [398], 17 [398], 18 [400].

²⁶⁸ *Cod. Theod.* 8.5.49 [386] with STOFFEL 1994, 121-2 for the identification of the *comes* attested in the law as *comites rei militaris*; however, the fact that the constitution only refers to military personnel otherwise

relatively regular use by these last-mentioned individuals, the army proper seems to have represented a rather limited if not negligible burden on the resources of the *cursus publicus*.²⁶⁹

does not preclude that these *comites* could include others as well, e.g., the *comes consistoriani* or *sacrarum largitionum*, and esp. those sent out from the court on special missions; on *comites*, see also GIZEWSKI 1997.

²⁶⁹ Against the use of other laws, such as *Cod. Theod.* 11.16.18 [390], as sources for the use of the CP by the military, see KOLB 2000, 225-47, esp. 231-2 for the aforementioned law.

III.6. Issuers of Permits in the Fourth Century

III.6.1. Issuing Rights from the First to the Third Century

Since the inception of the IITS under Augustus, its overall management lay with the emperor and his governors. Since Italy did not have a governor, this role was taken on most likely by either the praetorian prefect(s) or the *praefectus uehiculorum*.²⁷⁰ These officials also held the right to grant permits (then called *diplomata*) with empire-wide validity to those travelling on official business.

The first evidence for a change in this regard is found in a rescript of the Emperor Domitian, although references within this document allow the dating of this reform back to the reign of Vespasian.²⁷¹ The latter confined the right to create *diplomata* to the emperor. It is, moreover, reasonable to assume that the *modus operandi* as outlined in the correspondence between Trajan and Pliny the Younger, then governor of Bithynia, had already been implemented by Vespasian in tandem with the aforementioned reform: each governor, as well as whoever the responsible official in Italy was, would receive a certain number of *diplomata* at the beginning of every year which could then be used at the recipient's discretion.²⁷² This said, *diplomata* were still to be provided only to those travelling on official business: thus, Pliny sent a letter to Trajan apologizing for having provided his wife with a *diploma* so that she could visit her aunt as quickly as possible after the death of her grandfather.²⁷³ Unfortunately, no source details exactly how many permits each governor received.²⁷⁴ In any event, this situation seems to have prevailed until the late 3rd or early 4th century, at which point further changes occurred.²⁷⁵

²⁷⁰ See above, pp. 45-6; if they were permitted to issue permits, we do not know whether each of these *praefecti* would have that privilege, or if it was limited to one senior PVeh, maybe operating out of a 'head office' in Rome (ECK 1979, 102 and 109).

²⁷¹ LEMCKE – COŞKUN 2013 with a discussion of SEG XXVI, 1392 [20/37]; *P. Lond.* III, 1171 [42]; SEG XX, 694 [48]; PSI V, 446 [133-7]; and IGLSyr V, 1998 [81-3].

²⁷² PLIN., *Ep.* 10.46, 121.

²⁷³ PLIN., *Ep.* 10.121-2.

²⁷⁴ According to calculations based on the frequency of the correspondence between Pliny and Trajan, PFLAUM 1940, 45-6 concluded with some reservations that the emperor sent out an average of 50 *diplomata* to every governor. A precise calculation is impossible due to various factors influencing the volume of this correspondence, such as the possibility to entrust important letters to imperial messengers on their way back to Rome; for further criticism, see KOLB 2000, 83, fn. 10.

²⁷⁵ For a collection of primary sources showing the award of *euectiones* to private individuals by order of the emperor (i.e., through an imperial letter) in the 4th century and possibly earlier, see KOLB 2000, 86-7.

According to a passage in Optatus, the *uicarius Africae* Aelafius was commanded to provide African bishops travelling to the synod of Arles with permits for the *cursus publicus* in 314.²⁷⁶ The same author reports a similar case for the following year, when four Donatist bishops were to be granted permits by the praetorian prefects Petronius Annianus and Julius Julianus.²⁷⁷ Based on these records, among others, KOLB dates the change of issuing rights to the early reign of Constantine, adding the caveat that this right was probably only granted for special occasions.²⁷⁸ However, as shall become clear in the following, it is likely that vicars shared the praetorian prefects' right to create permits, perhaps having received it in Africa with the establishment of the *dioecesis Africae* in the early 4th century.²⁷⁹

The preceding two paragraphs have thus outlined the development of issuing rights during the late 3rd and early 4th centuries and provided the starting point for the following discussion of the same privilege in the 4th century. From the early 4th century until 395, the Theodosian Code is the most important primary source with bearing on this point, and, as is shown below (ch. III.6.2a), the precise meaning of the different terms used therein to designate issuing privileges is sometimes difficult to comprehend and varies depending on context. Therefore, this chapter will begin with an analysis of the Latin terminology fundamental for the following discussion of the issuing rights of various magistrates; a comparison of the state of affairs attested in the Theodosian Code for the late 4th century with the information provided in the *Notitia Dignitatum* will conclude this section.

III.6.2. Issuing Rights in the Fourth Century

a) Terminology

As has been mentioned above, the right to 'issue' permits did not necessarily include the right to create these documents. Unfortunately, almost all sources from the Principate do not refer to the act of issuing itself, rather stating that a permit was necessary for the use of the *cursus publicus*, usually in combination with a possessive pronoun indicating their

²⁷⁶ OPT., *App.* 3 (CSEL 26, 205-6): *singulis episcopis singulas tractorias tribuas.*

²⁷⁷ OPT., *App.* 8 (CSEL 26, 212).

²⁷⁸ KOLB 2000, 101.

²⁷⁹ ENSSLIN 1958, 2028, where EUSEB., *Hist. Eccl.* 10.6.4 is cited as naming Patricius as the first holder of that post in late 312/early 313; MIGL 1994, 63 assumes that the vicariate was created by Constantine in 312. On the administration of Egypt, see further *idem*, 69-94.

origin.²⁸⁰ The only exception occurs in a letter of Pliny the Younger: *usque in hoc tempus, domine, neque cuiquam diplomata commodaui neque in rem ullam nisi tuam misi*.²⁸¹ The fact that Pliny, as a governor, was only allowed to distribute, not to create permits, which is known from his correspondence with Trajan (p., might thus also be expressed in the verb *commodare* (give/grant).

The sources are a lot more forthcoming in this regard for the 4th century, but a clear differentiation of the right to create as opposed to distribute permits has not been undertaken to date. In the following, I will thus differentiate between the right to create, distribute, and modify permits, rather than using the ambivalent term ‘issuing,’ which will only be employed as umbrella term for all three privileges; an official thus endowed will be referred to as having full issuing rights.

The most clear-cut cases are those in which the texts read *copia euectionis faciendae* or variations thereof.²⁸² It is clear that the privilege thus described refers explicitly to the creation (and distribution) of the document. The case is more obscure for the remaining terms used in the laws: the verbs *praebere* (offer)²⁸³ and *tribuere* (bestow/confer)²⁸⁴ appear multiple times; individual cases of *prorogare* (extend/prolong),²⁸⁵ *perscribere* (write out in full),²⁸⁶ *dare* (give),²⁸⁷ *perferre*

²⁸⁰ E.g., *Pap. Lond.* III, 1171 = W. Chr., 493 [42], ll. 2-6: Μηδενὶ ἐξέστω ἐνγαρεύειν [sic] τοὺς ἐπὶ τῆς χάρας |³ μηδὲ ἐφόδια ἢ ἄλλο τι δωρεὰν αἰτεῖν ἄτερ τοῦ {ἄτερ} |⁴ ἐμο[ῦ] διπλώματος, λαμ[β]άνειν δὲ ἔχασ[το]ν τῶν |⁵ ἔχ[όν]των ἐμὸν δίπλωμα τὰ αὐταárκει ἐπιδήτεια [sic] |⁶ τιμὴν ἀποδιδόντας αὐτῶν. For further examples, see LEMCKE – COŞKUN 2013, ch. 3.

²⁸¹ PLIN., *Ep.* 10.120.

²⁸² *Cod. Theod.* 8.5.5 [354]: *euectionum faciendarum copia*; 9.2-3 [356]: *tractorias uel euectiones [...] faciat*; 9.3-4: *fieri euectionem uetamus*; 12.4 [362]: *faciendarum euectionum licentiam*; 12.5: *euectionem [...] facere*; 12.7: *binas (euectiones) annuas faciat*; 13 [362]: *euectiones facere*; 19 [364]: *euectionum faciendarum arbitrium*; 29 [367]: *euectiones quam facimus*; 38 [382]: *faciendae euectionis [...] facultatem*; 40 [382]: *faciendae euectionis copiam*; 3.5.43 [384]: *quibus fuit (ius euectionum) faciendarum moderatione rei publicae prospiciant*; 8.5.52 [393]: *faciendarum euectionum licentiam*; 57 [397]: *licentia aut euectiones facere*; 61 [400]: *Macrobius inlicita praesumptione euectiones fecisse constitit*; *Cod. Iust.* 12.50.22 [467/8]: *tractorias animalium [...] licentiam faciendi*.

²⁸³ *Cod. Theod.* 8.5.4 [326]: *euectiones praebendae*; 9 [356]: *(euectiones) necessaria habita ratione praebentur*; 18 [364]: *a praesidibus diuersorum officiorum euectio competens praebetur*; 12.12.9 [382]: *singularum angariarum copia praebetur*, with the caveat that *angariarum* can be understood as the permit itself, cf. 8.5.4 [326].

²⁸⁴ *Cod. Theod.* 8.5.9 [356]: *tribui uel fieri euectionem*; 12.12.9 [382]: *isdem tribuatur euectio*.

²⁸⁵ *Cod. Theod.* 8.5.12 [362]: *euectionum frequentia, quas uicaria potestas et praesidium adque consularium officia prorogare*.

²⁸⁶ *Ibid.*: *euectiones perscriptas mea manu (viz. the emperor) permittam*.

²⁸⁷ *Ibid.*: *euectiones singulas dabit*.

(bear/convey),²⁸⁸ *largiri* (impart/bestow),²⁸⁹ *facultas (euectionis) emittendae* (produce),²⁹⁰ *dimittere* (send out/forth),²⁹¹ *renouare* (renew),²⁹² and *deferre* (grant/confer)²⁹³ occur as well. With a few exceptions, none of these verbs itself suggests anything beyond the right to distribute permits. Only *prorogare*, *perscribere*, and possibly *renouare* may contain the additional sense of modifying or creating permits; finally, *facultas (euectionis) emittendae* may be singled out as a special case: its use in the *Notitia Dignitatum* to describe the privileges of the praetorian prefects and the *magister officiorum* indicate that it indeed referred to the right to create *euectiones*.²⁹⁴ This said, the permission to draft such documents may be implied at all times, so that the relevant passages have to be evaluated case-by-case.

b) Praetorian Prefects and the Magister Officiorum

It seems fitting to begin such an investigation at the very top of the imperial administration: with the praetorian prefects²⁹⁵ and the *magister officiorum*.²⁹⁶

The first piece of evidence relating indirectly to the issuing rights of the praetorian prefect is provided in *Cod. Theod.* 8.5.4 from 326. Due to the importance of this text for this as well as the following section on the issuing rights of vicars, it is provided in full along with a translation in the following:

Idem A. (Constantinus I) Menandro.

Certis nuntiis conpertum est, quod plures ueluti sibi ac necessitatibus propriis petitas angarias taxato pretio distrahunt. Quamuis itaque raro posthac et non nisi merentibus euectiones praebendae sint, omnes tamen, qui ubique sunt cursus publici obseruatione districti, inquirant, si quis in hoc genere criminis possit intercipi, ut emptor et uenditor in insulam relegentur, illis etiam, qui obseruare iussi sunt, pro dissimulatione uel neglegentia idem supplicium luituris. Non inprobum tamen est, si is, qui angarialem habet copiam, ad

²⁸⁸ *Cod. Theod.* 8.5.20 [364]: *iudices euectionum subsidia perferant.*

²⁸⁹ *Cod. Theod.* 8.5.32 [371]: *euectionum copiam senatui [...] serenitas nostra largita est.*

²⁹⁰ *Cod. Theod.* 8.5.33 [374]: *euectionum emittendarum habeat facultatem.*

²⁹¹ *Ibid.*: *aut dimittet tuas (euectiones; i.e., those of the governors) aut alias ipse renouabit.*

²⁹² *Ibid.*

²⁹³ *Cod. Theod.* 8.5.54 [395]: *Meminimus euectiones in(us)tribus uiris honori potius quam usui detulisse*

²⁹⁴ Cf. *Not. Dign., Or.* 2.72: *Praefectus praetorio Orientis euectiones annuales non habet, sed ipse emittit.*

²⁹⁵ For the praetorian prefecture during the 4th century, see most recently COŞKUN 2004. Also see MIGL 1994 and PORENA 2003.

²⁹⁶ The most thorough investigation of the *mag. off.* is still CLAUSS 1981, with updates in DELMAIRE 1995, 75-96; for the rank of the *mag. off.*, who only gradually gained (or re-asserted) his top position in the course of the later 4th and early 5th centuries, cf. COŞKUN 2001.

tutelam uitae uel laborem adeundum itineris pro solacio sibi quendam sociauerit. Namque hoc factum meretur ueniam nec latere poterit explorantes; illud poena superius dicta plectendum est. Super qua re proconsules rectores prouinciarum praefectos uehiculorum adque omnes, qui cursui publico praesunt, admoneri conueniet.

Dat. X Kal. Iul. Constantino A. VII et Constantio Caesare Conss.

The same Augustus to Menander

By trustworthy reports it has been learned that very many persons are selling post warrants at a fixed price, although such persons have requested these post warrants ostensibly for themselves and for their own needs. Therefore, although hereafter such post warrants shall be rarely issued and only to deserving persons, still all officials who are anywhere obligated to the supervision of the public post shall investigate whether any person may be intercepted in this sort of crime, so that both the buyer and seller may be exiled by relegation to an island. Furthermore, those persons who have been ordered to enforce this regulation shall suffer the same punishment as a penalty for their collusion and negligence. 1. However, it is not illegal for any person who has the right to a postwagon to associate someone with him for assistance, for the protection of his life and for undergoing the labor of the journey; for the latter action deserves lenience and cannot escape the notice of the investigators, while the former act shall be stricken with the punishment mentioned above. 2. The proconsuls, governors of the provinces, prefects of vehicles, and all supervisors of the public post shall be admonished with reference to the foregoing matter.

Given on the tenth day before the kalends of July in the year of the seventh consulship of Constantine Augustus and the consulship of Constantius Caesar.—June 22, 326(?).

This constitution, addressed to the *uicarius Africae* Menander,²⁹⁷ dictates that *itaque raro posthac et non nisi merentibus euectiones praebendae sint*,²⁹⁸ indicating that at

²⁹⁷ Menander was first identified as PPO *Africae* by SEECK 1919, 18. PLRE I, s.v. “Menander (2),” 595-6 lists him as vicar or *comes prouinciarum*. BARNES 1982, 129 follows SEECK, although he concedes that he could equally well have held the rank of *comes prouinciarum*; similarly, STOFFEL 1994, 87 and CORCORAN 1996, 164-6; more vaguely, MIGL 1994, 40-1; PORENA 2003, 376-82 convincingly shows that Menander was indeed the *uicarius Africae*. The difficulty is that as vicar, he would have been of lower rank than the proconsul. Even so, the vicar may have been involved in the dissemination of legislation in a manner analogous (yet in the opposite direction) to *Cod. Theod.* 1.15.3 [352], which outlines that governors were to pass on any communication from the provincials first to the vicars and thence to the PPO. After he had filtered out the less important items, the remainder was dispatched to the emperor. This arrangement would not require the vicar, or the PPO for that matter, to outrank the proconsul. It was merely a matter of channels of communication (similarly PORENA 2003, 379-81). As MIGL 1994, 74-6 has shown, the hierarchy of the imperial administration was quite loose in the early 4th century, and it did happen that the *proconsul Africae* acted outside of his province, and that the *uicarius Africae* was charged with business within the proconsular province. The difficulty in this scenario is, of course, that this order could only become the rule (rather than

least the *uicarius Africae* had received the right to distribute *euectiones* by 326. Taking into account that the standing of vicars in the administrative hierarchy was largely similar to that of the praetorian prefects,²⁹⁹ it seems reasonable to assume that the latter also held the right of creating and distributing permits. They may have been endowed with this privilege in the 2nd and 3rd centuries as outlined above, or since the restructuring of the praetorian prefecture in the early 4th century.

For the following quarter century, the Theodosian Code is silent about the rights to issue permits for the *cursus publicus*. Meanwhile, the *magister officiorum* was raised to the rank of *comes* and became a member of the imperial consistory. Concurrently, he gained the control of important parts of the central administration, most notably the *schola agentum in rebus*. Eventually, this development culminated in a clear division of responsibilities, with the praetorian prefects controlling the provincial and the *magister officiorum* (in cooperation with the *quaestor sacri palatii*³⁰⁰) the court administration. It thus comes as no surprise that by 356, the holders of both offices were competing for the right of both creating and distributing permits for the *cursus publicus* to *agentes in rebus*. *Cod. Theod.* 8.5.9 of that year explicitly forbids the praetorian prefect Taurus to distribute (*tribui*), modify (*nullos euectioni dies addendos*), or create (*faciat/fieri*) permits for members of the aforementioned group, a privilege which should be reserved to the *magister officiorum* and the emperor.

This observation may be connected with a regulation from the same year which excluded apparitors of the praetorian prefect from carrying out control duties related to the *cursus publicus* in favour of the *curiosi*. As high-ranking members of the *agentes in rebus*, the latter stood under the direct control of the *magister officiorum*.³⁰¹ Furthermore, this development illustrates the increasing influence of the *magister officiorum* at court: by

the exception) after the establishment of the vicars as *Mittelbehörde* in the late 4th century. Alternatively, assuming a mistake had been made already in the imperial *scrinium* when drafting the letters, it may be possible that the emperor ordered the proconsuls, governors, etc. to be admonished, and the constitution was simply dispatched (with the same wording) to the PPo and to the proconsul for further dissemination. Finally, PORENA (*loc. cit.*) suggests that the constitution may represent a direct reply from the emperor answering a question or report of the vicar.

²⁹⁸ “Therefore, although hereafter such *euectiones* (PHARR: post warrants) shall be rarely issued and only to deserving persons... .”

²⁹⁹ See below, pp. 77-8

³⁰⁰ See fundamentally HARRIES 1988 and most recently COŞKUN 2001, esp. 315-22 with references to further scholarship.

³⁰¹ *Cod. Theod.* 6.29.2 [356].

controlling the *schola agentum in rebus*, he had already for some time been the first member of the court to receive the intelligence that this secret service collected from all levels of the imperial administration throughout the empire. After the law of 356, he had the sole power to manipulate the flow of information to and from the center of the empire.³⁰²

The phrasing of *Cod. Theod.* 8.5.9 also allows to adduce some conclusions regarding the issuing privileges of the two officials. The first two lines of the constitution, concluding with *nec passim [...] tractorias uel euectiones [...] faciat*, clearly attest that the praetorian prefects' right to create and distribute predates 356. When precisely they had gained this privilege is not attested, but lacking evidence attesting reforms with bearing on the *cursus publicus* since Constantine, dating its initial extension into the reign of that emperor suggests itself; alternatively, he may have received this privilege during the 2nd or 3rd century as head of the pre-Constantinian court. In any event, this constitution thus shows that the privileges of both of these very senior members of the administration were defined as follows in the mid-4th century:³⁰³ The praetorian prefects had full issuing rights, the exception being the *agentes in rebus*, whom only the emperor and the *magister officiorum* could provide with permits. The latter may also have had full issuing rights although it is sometimes argued that these were restricted to the *agentes*. This is not confirmed by the sources, and, as will become clearer in the following, the opposite seems to have been the case.³⁰⁴

The next piece of evidence affirming the issuing rights of these two high-ranking officials dates to the year 362.³⁰⁵ By then, the immoderate prolonging (*prorogare*) of the validity of *euectiones* at all levels of the provincial administration had induced Julian to

³⁰² CLAUSS 1981, 116-8 observes that all correspondence between the provincial administration and the court was under his control. In combination with the supervision over the *agentes in rebus*, he was able to make use of an "Informationsvorsprung" in comparison to all other ministers.

³⁰³ *Cod. Theod.* 8.5.9 [356]: Idem A. (Constantius II) ad Taurum P(raefectum) P(raetori)o. *Miranda sublimitas tua nullos euectioni dies addendos esse cognoscat nec passim raedarum tractorias uel euectiones birotum faciat. Et agentibus in rebus a tua sublimitate tribui uel fieri euectionem uetamus; sufficere namque posse confidimus, quae isdem a nobis uel magistri officiorum comitatus nostri iussis necessaria habita ratione praebentur.*

³⁰⁴ E.g., CLAUSS 1981, 41.

³⁰⁵ *Cod. Theod.* 8.5.12 [362], see fn. 326 for the text; similarly, cf. 8.5.40 [382], which attributed the right to create permits to the PPO, but only deprived *iudices* (in this context a blanket term used to denote all officials under the PPO) of it. As none of these changes touched on the sphere of influence of the *mag. off.*, there was no need to mention him; similarly STOFFEL 1994, 116; KOLB 2000, 102. The same applies to 8.5.58 [398] and 8.5.62 [401].

restrict the right to create (*facere*) permits to himself and the praetorian prefects. CLAUSS interpreted this as evidence that the *magister officiorum* had lost the right which he is still attested to have held in 356; KOLB, however, correctly observed that the *magister officiorum* simply was not mentioned because none of the officials affected by this constitution were accountable to him;³⁰⁶ it is thus most likely that he retained his old privilege. In the West, *Cod. Theod.* 8.5.22 from 366 then limited the issuing privileges of both magistrates again: the use of *paraueredi* or *agminales* could only be granted through the addition of a note in a user's permit by the emperor or the *magister officiorum*, with the caveat that the latter could only do so following an according order of the former.³⁰⁷ The constitution does not explicitly state whether these regulations applied to the praetorian prefects as well; however, on account of the general wording extending this restriction to all users, including those who had received their permits from a praetorian prefect, the assumption that the latter magistrate was also denied to permit the use of *parhippi* and *agminales* seems reasonable. A law of 367 confirms this interpretation: addressed to the governor of Sicily, Domnus, it reiterates the restriction of the previous year, this time without mentioning the *magister officiorum*. This said, both officials seem to have retained the right to add other types of annotations – possibly for special rations or prolonged stays at stations – as a constitution from 378 shows.³⁰⁸

In the last two decades of that century, the volume and frequency of abuses in the lower ranks of the administration had apparently returned to the unbearable levels of 362. Theodosius' reaction is recorded in a law addressed to Florus, praetorian prefect *Orientis* from 381-3,³⁰⁹ which deprived almost all officials of the provincial administration – *iudices*, here including both governors and vicars – from the right to create (*facere*) *euectiones*, granting that privilege only to himself and the praetorian prefects. One

³⁰⁶ CLAUSS 1981, 48-51; he is followed by STOFFEL 1994, 8-12; for a convincing contra, see KOLB 2000, 102-6, whose argument I follow in this section.

³⁰⁷ *Cod. Theod.* 8.5.22 [366]: *Praeterea illud adiungimus, ut parhippum uel auertarium nullus accipiat, nullus inpune praesumat, nisi eum nostrae serenitatis arbitrio aliqua necessitate cogente uir in(u)stris magister officiorum textui euectionis addiderit.* On the relationship of Valentinian and Valens and the autonomy of both emperors in terms of legislation, cf. SCHMIDT-HOFNER 2008b, 351-9.

³⁰⁸ *Cod. Theod.* 8.5.29 [367] permitted the use of *parhippi* only if a suitable annotation had been added to the permit by the emperor. The *mag. off.* is no longer mentioned; 8.5.35 [378], issued to Decimius Magnus Ausonius, PPO *Galliae, Italiae, et Africae*, mentions annotations from the emperor, the *mag. off.*, or the PPO: *quod uel spectabilis uiri officiorum magistri uel sinceritatis tuae litteris oportebit adscribi.*

³⁰⁹ PLRE I, s.v. "Florus (1)."

exception remained: both governors and vicars were permitted to create and distribute *euectiones* for the transport of taxes. This law is complemented by a constitution in the Justinian Code, which extends the same restriction to all other officials with special mention of the *praef. urbi (Constantinopolis)* and the *magistri militum*. It also lists the *magister officiorum*, who was thus explicitly joined to the ranks of those privileged with full issuing rights. Without a similar law being attested for the West, its validity may have been limited to the Eastern *pars imperii*.³¹⁰

c) Prefects of the City

The right to create *euectiones* was granted to the *praef. urbi Romae* for the first time in 364, with the caveat that he was only allowed to do so in public matters (*publicae causae*), i.e., only for official, not private use of the *cursus publicus*.³¹¹ The extension of this privilege to the *praef. urbi Constantinopolis* at this time or later is likely as *Cod. Iust.* 12.50.9 rescinds it from that official in 382.³¹² The *praef. urbi Romae* lost his right to create permits by 396, probably concurrent to the subordination of the prefecture to the praetorian prefecture, the declining importance of Rome as a center of government, and the loss of authority and influence of the *praef. urbi Romae* in general in the latter half of the 4th century.³¹³

d) Vicars

There is surprisingly little information about the issuing rights of vicars. In his study of the praetorian prefecture, PORENA undertook a review of the role of a certain Menander, addressee of *Cod. Theod.* 8.5.4 from 326 discussed above (pp. 72-3). He convincingly rejected both previous identifications of this official as praetorian prefect *Africae* or as

³¹⁰ *Cod. Theod.* 8.5.40 + *Cod. Iust.* 12.50.9 [382]; CLAUSS 1981, 50 dates the latter constitution into the 4th century, although later than *Cod. Theod.* 8.5.40; he is followed by STOFFEL 1994, 11-2 and KOLB 2000, 103. An added difficulty in assessing the accuracy of this law is that titles of officials could have been confused or missed by the editors of the *Cod. Iust.*

³¹¹ *Cod. Theod.* 8.5.19 [364]; Idem AA. ad Symmachum P(raefectum) U(rbi). *Magnifica sedes tua euectionum faciendarum arbitrium in publicis tantum causis usurpet. Verum ingenti procurabitur cautione, ne parum considerata facilitas ita publicis incipiat uisceribus imminere, ut fatigatione nimia paenitentiam huius concessionis suscipere cogamur.*

³¹² *Cod. Theod.* 8.5.40 + *Cod. Iust.* 12.50.9 [382].

³¹³ *Cod. Theod.* 8.5.55 [396], addressed to Florianus, PUR 395-7 (PLRE I, s.v. “Florianus [2]”). The phrasing *duorum ueredorum euectiones te praesumpsisse propria relatione signasti* suggests that he was acting illegally when he appropriated the horses, and thus did not hold the right to create *euectiones* at this time. Similarly, STOFFEL 1994, 124. See ERRINGTON 2006, 111-41 for the development of the PUR.

comes Africae with special privileges; instead, he identified Menander as *uicarius Africae*, having succeeded Locrius Verinus in that post between May and July 321.³¹⁴ If, as was proposed earlier, the praetorian prefects held full issuing rights since the reign of Constantine, then the extension of this privilege to the *uicarii* may not be surprising: after all, officials in this position had initially acted as assistants to or even equals of the praetorian prefects.³¹⁵ As such, they would naturally have been endowed with some of the same competencies regarding the *cursus publicus*. That there is no attestation of their activity in this context until the 4th century must not surprise: as deputies of various members of the administration, vicars only appeared in the 3rd century; as heads of dioceses, albeit initially not much different in their function from a praetorian prefect, they might have existed since 312, although their integration into the provincial administration was only completed under Valentinian and Valens.³¹⁶ In any event, if the identification of Menander as *uicarius Africae* is accepted, the constitution from 326 suggests that these officials held full issuing rights at that time. It is, furthermore, probable that they had held this privilege ever since their first appearance in the 3rd century.

The next clear reference to *uicarii* in this context occurs in the abovementioned constitution of 362. In it, they were admonished to refrain from modifying *euectiones* due to frequent abuses of that privilege. In a further step, Julian also deprived them of their right to create permits (*licentia euectionum faciendarum*). It may be noted at this point that the constitution only addresses the great *frequentia* with which modifications were made; it does not declare that the act of creating had been illegal *per se*. Combined with the reference to their restriction from full issuing rights in the next sentence, this law thus corroborates the conclusion that *uicarii* held full issuing privileges since the creation of that position.

It seems that on account of their rank in the administration, vicars emerged from this censure in a better position than the provincial governors: they were granted 10 to 12 *euectiones* written by the emperor's own hand (*manu mea*).³¹⁷ That these had empire-wide

³¹⁴ For the text of the law, see pp. 72-3; for the identification of Menander, see fn. 297 above.

³¹⁵ ENSSLIN 1958, esp. 2015-44; JONES 1964, 592-6; more recently, see NOETHLICH 1982, MIGL 1994, and GUTSFELD 2002.

³¹⁶ MIGL 1994, 63. This process also presupposes the regionalization of the praetorian prefecture, cf. COŞKUN 2004.

³¹⁷ *Cod. Theod.* 8.5.12 [362] (text in fn. 326 below).

validity is confirmed for the western half of the empire in a law from 374 regulating the transportation of military clothing. It states that if the vicar should be somewhere along the route of the convoy, he was to renew (*renouare*) the *euectio* of the *rationalis* leading the convoy. Otherwise, a permit created by a governor, which was deemed valid for travel through all other provinces under these special circumstances (*etiam per ceteras prouincias*), would suffice, i.e., would be equal in validity to the vicar's *euectio*.³¹⁸ The most plausible interpretation of *renouare* in this context is that the vicar was allowed to create or modify permits, but only under the special circumstances described in this law.³¹⁹ Another special circumstance may be reflected in a constitution of the emperor Gratian from May 382 addressed *ad prouinciales*: it maintained that if an entire diocese wished to send one representative delegation with petitions to the emperor, it should be granted an *euectio* for the use of one *reda*; if each province wished to send their own delegation, they should each receive a permit for the use of an *angaria*. Although the constitution leaves the source of the permits open, the required documents had to have empire-wide validity as the journeys would run through multiple provinces. Since only the permits created by vicars, praetorian prefects or the emperor regularly had empire-wide validity, provincials would most likely have contacted the vicar as he would have been the most convenient to reach in most cases.³²⁰

The following three decades saw the increasing limitation of the privileges of vicars related to the *cursus publicus*: in late July 382, they were deprived of all creation privileges in the East as abuses had become too frequent again; in 401, these same vicars lost the right to use the *cursus publicus* without a permit, which they may have held since 382 (pp. 60-1).³²¹ The situation differed in the West: in a law from 400, the praetorian prefect *Galliarum* Flavius Vincentius was admonished to restrain vicars from usurping their right to create permits *cum necessitas publica non flagitaret*.³²² The latter phrase suggests that

³¹⁸ *Cod. Theod.* 8.5.33 [374] (text in fn. 330 below).

³¹⁹ Thus, STOFFEL translates: "selbst andere (Erlaubnisscheine) neu austellen;" cf. also PHARR: "he shall himself issue other new post warrants instead."

³²⁰ *Cod. Theod.* 12.12.9 [10 May 382]: *Illud etiam addimus, ut si integra dioecesis unum uel duos elegerit, quibus desideria cuncta committat, redae cursualis unius isdem tribuatur euectio; si uero singulae prouinciae separatim putauerint dirigendos, singularum angariarum copia praebeatur.*

³²¹ *Cod. Theod.* 8.5.40 [23 July 382] and 62 [401], addressed to the PPo *Orientis* Caesarius (PLRE I, s.v. "Caesarius [6]").

³²² PLRE II, s.v. "Fl. Vincetius (6);" *Cod. Theod.* 8.5.61 [400].

the permission to create permits for the transport of the transportation of certain goods and possibly to enable delegations from provinces or entire dioceses to travel to the imperial court remained in place for vicars in the West at the turn of the century.³²³

e) Governors

The first explicit reference to the issuing rights of provincial governors in the 4th century is found in a law of Constantius II from 354.³²⁴ Lacking any evidence to the contrary, it seems likely that governors retained the distribution privilege which had been theirs since the late 1st century. Addressed to the praetorian prefect Musonianus, the just mentioned constitution confirms an earlier and no longer extant law which had been issued by that same emperor (*nostrae clementiae iussa existunt*), prohibiting governors (*rectores prouinciarum*) from creating permits (*euectionum faciendarum copia*). This constitution was to put an end to the *licentia*, with which these officials allegedly had made use of this privilege which had never been theirs in the first place. However, the prohibition seems to have met with limited success, as *Cod. Theod.* 8.5.12 from 362 suggests that governors had found a loophole and were now liberally extending the temporal validity of *euectiones* by modifying their contents. In the latter constitution, Julian explicitly addressed this problem and reiterated the prohibition from 354; in variance with the old constitution, however, he attempted to appease the governors by granting each of them two *euectiones* which they were to receive annually from the praetorian prefects.³²⁵ Those permits were only valid in

³²³ This interpretation also seems to be confirmed in *Cod. Theod.* 8.5.63 [401]. Addressed to the inhabitants of the *prouincia Africa*, it reiterates that no-one was to use the CP unless *in causa publica uel manifestis euectionibus destinato*.

³²⁴ *Cod. Theod.* 8.5.5 [354].

³²⁵ CHAPMAN 1978, 64 and BLACK 1995, 76 conclude from the rather low number of permits that they could be used repeatedly until they were cancelled or expired. This solution is unlikely for various reasons: sources indicate that the name of the user had to be included on the permit along with the purpose of the journey, and as the document further had to be signed when checked, such a document would be rendered illegible after a few uses. Moreover, the regulation by Julian was intended to limit the unnecessary trips with the CP, thereby promoting a more efficient use of resources as governors would wait and collect letters and tasks before dispatching a messenger. Moreover, this reform forced governors to choose wisely when to use their *euectiones* to send their men into the provinces; should a matter not be of utmost importance, they would probably use animals from their own stables or provide their apparitors with a *uiaticum* with which they could purchase all necessities along the way.

the province of the governor to whom they were issued, as is suggested in a law from (p. 76).³²⁶

The last phrase of the law (*sed his quoque nostra etiam mansuetudo euectiones singulas dabit, ut ad nos referre possint, cum id fieri necessitas quaedam exegerit*) indicates that governors could apply for individual permits when they needed to refer matters to the emperor. How this should work in detail is not explained, but following option seems most probable: a governor would dispatch someone with one of his two regular permits, to which he added a note indicating that the messenger was *en route* to the imperial court. Once the messenger reached his destination, the emperor could choose to provide a new permit to replenish the governor's contingent. On the flipside, he could also withhold his permit if he judged the message not important enough. Such an arrangement would force governors to weigh the importance of information carefully or collect messages prior to sending someone out. In this way, the efficiency of the *cursus publicus* was increased by reducing traffic and streamlining communications.

Only a few months later still in the same year, following a *suggestio* of the supervisors of the largesses (*qui largitionibus praesunt*), Julian amended *Cod. Theod.* 8.5.12 by granting governors the right to provide *euectiones* “for the delivery of the payments in kind to the account of the largesses” if the vicar was not at hand.³²⁷ This right was confirmed twice in the West in 364, once with the addition that governors were now allowed to distribute (*praebere*) *euectiones* regardless of whether the vicar was present or not, the other time reinforcing in more general terms that they should “lend the competent assistance of *euectiones*” (*iudices euectionum subsidia perferant*).³²⁸ In both cases, this

³²⁶ *Cod. Theod.* 8.5.12 [22 February 362]: Imp. Iulianus A. ad Mamertinum P(raefectum) P(raetori)o. *Quoniam cursum publicum fatigauit quorundam inmoderata praesumptio et euectionum frequentia, quas uicaria potestas et praesidium adque consularium officia prorogare non desinunt, curam ac sollicitudinem huius rei nos subire compulsi faciendarum euectionum licentiam cunctis abduximus. Exceptis igitur uobis nulli euectionem licebit facere de cetero. Sed ut necessitates publicae impleantur, uicariis denas uel duodenas euectiones manu mea perscriptas ipse permittam, praesidibus uero binas annuas faciat uestra sublimitas, quibus ad separatas prouinciarum secretasque partes necessariis ex causis officiales suos dirigere possint. Sed his quoque nostra etiam mansuetudo euectiones singulas dabit, ut ad nos referre possint, cum id fieri necessitas quaedam exegerit.*

³²⁷ *Cod. Theod.* 8.5.13 [20 June 362]: Idem A. (viz. Julian) ad Mamertinum P(raefectum) P(raetori)o. *Ad suggestionem comitis adque eorum, qui largitionibus praesunt, inlationi specierum largitionalium competentes euectiones rectores prouinciarum, cum absit uicarius, facere debent. Quod uniuersis rectoribus tua sublimitas indicare non differat.*

³²⁸ *Cod. Theod.* 8.5.18 [13 May 364]: Idem AA. (viz. Valentinian and Valens) ad Mamertinum P(raefectum) P(raetori)o. *Si quando praepositus largitionum species transmittendas necessarias esse suggesserit ac*

regulation is only feasible if *praeberere* and *subsidia perferre* are understood in the same sense as in *Cod. Theod.* 8.5.13, i.e., as the permission to create individual permits under such special circumstances. This right was extended in 374 (at least in the West³²⁹), so that from then on, *euectiones* created by governors for the transport of military clothing had empire-wide validity.³³⁰ By stating further that this regulation was in keeping with the procedure adhered to for gold and silver transports, this law suggests that the *euectiones* which governors were allowed to create and distribute thanks to the constitutions from 362 and 364 were also valid in the entire empire; this special regulation did not apply to the two permits which they regularly received annually from the praetorian prefects. This interpretation is supported by the fact that the *euectiones* of vicars, in whose stead the governors distributed theirs, generally had empire-wide validity (p. 76).

In any event, governors' privileges related to the *cursus publicus* in the Eastern Empire developed almost as regressively as those of vicars in the last decades of the 4th and the beginning of the 5th centuries: in July 382, they lost their right to create permits although they retained it for the transport of tax proceeds;³³¹ following the example of the vicars, they were prohibited from using the *cursus publicus* themselves without a permit in

breuem diuersarum specierum, cui subuectio uehiculorum poscitur, designauerit, a praesidibus diuersorum officiorum euectio competens praebeatur; 8.5.20 [12 September 364]: Idem AA. (viz. Valentinian and Valens) ad Florianum Com(item) R(erum) P(rivatarum). *Iuxta diui Iuliani consultissimam legem ad transferendas largitionum res necessarias competentia iudices euectionum subsidia perferant.*

³²⁹ KOLB 2000, 106 states that this regulation only applied to the *proconsul Africae*, presumably since the law is addressed to one (quoted below, fn. 330). However, it is equally likely that the only version of this law that could be found when the editors of the *Cod. Theod.* were collecting their sources was in the provincial archive in Carthage. It may have been sent there from the office of the responsible PPO at the time, who in turn would have received this constitution from the emperor with the order to distribute it within his prefecture. For this possibility, see COŞKUN 2002b, 125. This seems all the more likely as the content of this constitution is rather general in nature (i.e., the transport of army uniforms or tax proceeds was not unique to Africa).

³³⁰ *Cod. Theod.* 8.5.33 [374]: [I]dem AAA. (viz. Valentinian, Valens and Gratian) ad Constantium. *Euectionum emittendarum etiam per ceteras prouincias dumtaxat in translationem uestium tua sinceritas habeat facultatem, ut, si forte in itinere uicarius non fuerit, cum uestes eaedem transferuntur, tarditas nulla generetur: certe, ubi idem uicarius forte morabitur, aut dimittet tuas [the governor's euectiones] aut alias ipse [the vicar] renouabit. Et hoc quidem eo constituitur exemplo, quo aurum argentumque transfertur, in quo utique nullum euectionibus tuis adfertur obstaculum, quominus id, quod transmissum fuerit, ad loca statuta perueniat. Eaedem autem uestes militares usque ad ea loca sunt transferendae, ubi ipsi milites sunt constituti, neque enim paulo deuerticulo abducendi sunt ab excubiis sibi pro publica utilitate commissis. Tales igitur uestes a prouinciis dirigantur, quae, priusquam mouentur, inspectione grauitatis tuae displicere non possint.* Constantius, to whom this law is addressed, was proconsul of Africa at the time (PLRE I, s.v. "Paulus Constantius [11]").

³³¹ *Cod. Theod.* 8.5.40 [23 July 382].

401.³³² Lacking any evidence to the contrary, it seems feasible to assume that the privilege to create permits under special circumstances was retained by western governors in analogy to the development described for the *uicarii*.³³³

f) Military Officials

In addition to civil officials, the constitution discussed towards the end of the last chapter (*Cod. Theod.* 8.5.40 + *Cod. Iust.* 12.50.9 [382]) prohibits *duces* and *magistri militum* in the East from creating *euectiones*; in the West, this prohibition for *magistri peditum* and *equitum* is attested in 384/5 although it appears to have been in place for some time already.³³⁴ Unfortunately, this law alone does not help in determining if and when these officials had held this privilege in the past. In any event, the Eastern prohibition from 382 notwithstanding, the officials mentioned therein as well as other military officers seem to have usurped the right to create permits on multiple occasions.³³⁵ However, as is attested by the *Notitia Dignitatum Orientalis*, military personnel, including *magistri militum*, *comites domesticorum*, as well as *duces* were still provided with an annual contingent of *euectiones* for distribution (ch. III.6.3 below).

III.6.3. Issuing Rights and the Notitia Dignitatum³³⁶

According to the evidence presented above, it seems that that by 382, the evolution of issuing rights of permits for the *cursus publicus* had reached its final stage, at least in the Eastern Empire. This said, one piece of evidence remains to be discussed: the *Notitia Dignitatum*. Without delving into the controversies surrounding the origins and history of this fascinating rendering of the late Roman administration, I will follow the outline of MICHAEL KULIKOWSKI. In short, he concludes a) that the eastern and western parts of the *Notitia* were created at the same time as a unitary document; b) that it was most likely composed sometime between 392 and 394; and c) that the *Notitia Dignitatum Orientalis*

³³² *Cod. Theod.* 8.5.62 [401].

³³³ Also see *Cod. Theod.* 8.5.63 [401].

³³⁴ *Cod. Theod.* 8.5.43 [384] issued to Neoterius, PPo *Illyrici* (COŞKUN 2003, 377-9).

³³⁵ *Cod. Theod.* 8.5.52 [393], issued to Rufinus, PPo *Orientis* (PLRE I, s.v. “Flavius Rufinus [18]”), addresses similar abuses committed by the *comites limitis Aegyptiacae*; 8.5.56 [396], sent to Simplicius, *mag. mil. per Orientem* (PLRE II, s.v. “Simplicius [2]”), explicitly denies the *mag. mil.* Simplicius the right to create and distribute; and in 8.5.57 [397] the *dux Armeniae* Remistheus is admonished with reference to an earlier law (*Cod. Theod.* 8.5.40 + CI 12.50.9?) to refrain from that same practice.

³³⁶ For citations, I have used SEECK’s 1876 (21962) edition of the *Notitia Dignitatum*.

presents a faithful schematic view of the administration of the Eastern Empire at the death of Theodosius I (395), while the *Notitia Dignitatum Occidentalis* was haphazardly updated until at least 419, making its use as a historical source highly problematic.³³⁷

The value of the *Notitia Dignitatum* for the study of the *cursus publicus* lies in its indications of magistrates' rights to create (*emittere*) or distribute *euectiones*; in the latter cases, it also provides the number of permits granted annually by stating the title of the official followed by their contingent (i.e., *Not. Dign. Or.*, 5.75: *Magister militum in praesenti XV*). Interestingly, these numbers have only been transmitted in the *Notitia Dignitatum Orientalis* and are collected in the following chart. The extension of any of these regulations to the Western half of the empire, however likely, must remain hypothetical.³³⁸

Official	Right to...		Contingent	Special Privileges
	creat e	distribut e	# of <i>euectiones</i>	
<i>PPo Orientis</i>	x	x	~ ³³⁹	
<i>PPo Illyrici</i>	x	x	~	
<i>Mag. Mil. Praesentalis I</i>		x	15	
<i>Mag. Mil. Praesentalis II</i>		x	15	
<i>Mag. Mil. Orientis</i>		x	25 (15?) ³⁴⁰	
<i>Mag. Mil. Thraciarum</i>		x	15	
<i>Mag. Mil. Illyrici</i>		x	15	
<i>Magister Officiorum</i>	x	x	~	
<i>Comes Largitionum</i>				<i>quotiens usus exegerit</i>
<i>Comes Priuatarum</i>				<i>quotiens usus exegerit</i>
<i>Comes Domesticorum</i>		x	?	

³³⁷ KULIKOWSKI 2000. For an overview and further references to secondary literature, see also PALME 1999, 87.

³³⁸ At least a part of the administrative structures of the CP seems to have remained the same in both *partes imperii* as both parts of the *Not. Dign.* attest the existence of *regerendarii* in the *officia* of the PPOs as well as a *curiosus praesentalis* and *curiosi per omnes prouincias* in the officium of each *mag. off.*

³³⁹ “~” indicates that the magistrate in question could create *euectiones* and thus did not receive an annual allotment.

³⁴⁰ Numbers in brackets represent the probable number of *euectiones* at the disposal of an official if the original is lost; for the *mag. mil. Orientis*, it is unclear if 25 is the transmitted text (SEECK 1876: *fort. srib. XV*). Given the consistent numbers for all other *mag. mil.*, the lower number seems more reasonable, but *n.b.* that his prefecture was not only the one farthest removed from the palace in Constantinople, but also encompassed the largest geographic area, thus possibly justifying the relatively large contingent.

<i>Equitum</i>				
<i>Comes Domesticorum</i>				
<i>Peditum</i>		x	?	
<i>Proconsul Asiae</i>		x	(4?)	
<i>Proconsul Achaiae</i>		x	4	
<i>Comes Orientis</i>		x	(12?)	
<i>Praefectus Augustalis</i>		x	?	
<i>Vicarius Asianae</i>		x	(10-12?)	
<i>Vicarius Ponticae</i>		x	12	
<i>Vicarius Thraciarum</i>		x	(10-12?)	
<i>Comes Aegypti</i>		x	7	
<i>Dux Isauriae</i>		x	6	
<i>Dux Lybiarum</i>		x	3	
<i>Dux Thebaidos</i>		x	5	
<i>Dux Foenicis</i>		x	5	
<i>Dux Syriae</i>		x	5	
<i>Dux Paelestinae</i>		x	5	
<i>Dux Osrhoenae</i>		x	5	
<i>Dux Mesopotamiae</i>		x	8	
<i>Dux Arabiae</i>		x	5	
<i>Dux Armeniae</i>		x	7	
<i>Dux Scythiae</i>		x	5	
<i>Dux Moesiae Inferioris</i>		x	5	
<i>Dux Moesiae Superioris</i>		x	5	
<i>Dux Daciae Ripensis</i>		x	5	

A cursory survey of the summary above will corroborate most of the conclusions drawn from the study of issuing rights with regards to the state of affairs in the late 4th century: only the praetorian prefects, the *magister officiorum*, and the emperor were permitted to create *euectiones*; the *comites sacrarum largitionum* and *priuatarum* could request permits whenever they thought them necessary to transport official goods; and the allowance for the vicars provided in 362 still seems to have been in place, although only the upper limit attested therein appears to have prevailed.

More surprising, perhaps, are the figures for proconsuls (4). The abovementioned law of 362 had fixed the allowance for governors at two (+ individual permits from the emperor), but the higher-than-average allowance might be explained by the special rank of proconsuls, which at times led to their employment as appeal judges also for cases from

adjacent provinces. More intriguing is the fact that the *Notitia Dignitatum Orientalis* contains no indication that any other governor of the rank of *praeses* or *consularis* had any permits at their disposal whatsoever. The appropriate adjustments thus either must have been made at some point after 362, or, more likely, the information provided in the *Notitia Dignitatum* is simply incorrect and the contingent of two per year was continued. Why no record of these changes survives in the Theodosian Code must remain an open question. Finally, roughly in the middle between vicars and governors was the allowance for the *comes Aegypti* (7), whose rights are not addressed in the law codes at all.

Moreover, the comparatively large number of permits granted to military officials is striking. *Magistri militum* had more permits at their disposal than vicars (15 vs. 12), and the same holds true for *duces* in comparison to governors (5-8 vs. 4). The discrepancies in both cases might be explained by the simple fact that the areas to which the military officers were assigned were often significantly larger than those of their civilian “counterparts,” or perhaps that military matters were considered to be more critical than those of civil nature. On a regular basis, however, the evidence in the *Notitia Dignitatum* confirms that the *cursus publicus* was used predominantly by the civil administration: the privilege of creating permits lay exclusively with the court and praetorian prefecture; the dignitates of the provincial administration collectively commanded over a significantly greater contingent of permits than their military counterparts if governors indeed kept their allowance of two *euectiones*; and it was the financial officers who could use the *cursus publicus* most liberally, i.e., whenever their duty required it.

III.7. Control

Abuses of the *cursus publicus* were frequent and ranged from the exploitation of animals and station personnel to illegal requisitioning of means of transportation at stations. On the flipside, the incessant misconduct of those involved in the operation of the *cursus publicus*, i.e., the station personnel, those issuing permits, and the inspectors themselves, is attested on numerous occasions.³⁴¹ Emperors attempted to curb these types of misuse in two ways: on the one hand, through legislation, the evidence for which survives in many laws contained in book 8.5 of the Theodosian Code; on the other hand, through certain control instances designed to monitor both those using and those administering the *cursus publicus*. These safeguards were to ensure that the rules set by the emperors were followed by all and sundry in the provinces.

The bulk of the control duties was delegated to the lowest ranks of the imperial administration, i.e., the provincial governors and their *officia*. They shared this responsibility with the station heads (*mancipes*) and (initially) the *praefecti uehiculorum*.³⁴² This arrangement seems to have been in place both during the Principate and, with some adjustments, the 4th century. While a study of the former period must rely largely on conjecture for details due to the lack of sources, many laws contained in the Theodosian Code provide a rich pool of evidence for the latter. The first indicators are found in a constitution from 315, which names certain people *qui cursui publico praesunt*. This generic label is commonly associated with the *mancipes* (or their contractors, ch. III.3);³⁴³ while this phrasing does not reveal any control functions *per se*, a law from 326 indicates as much:³⁴⁴ it names *omnes qui ubique sunt cursus publici obseruatione districti*, later identified with *proconsules, rectores prouinciarum, praefectos uehiculorum adque omnes, qui cursui publico praesunt*. All of these officials thus had some as yet undefined control

³⁴¹ For a well-researched account of abuses of the IITS, see KOLB 2000, 117-22, esp. 119-22 for the 4th century and beyond.

³⁴² AUSBÜTTEL 1998, 111; although very little is known about the exact function of the PVehs (see above, pp. 45-6), *Cod. Theod.* 8.5.4 [326] at least suggests as much for the early 4th century. Contra: KOLB 2000, 160. *Eadem*, 173-82 concludes that both proposals made in modern scholarship regarding the control of the IITS during the Principate – its facilitation through the *frumentarii* or *beneficarii* – are far from certain.

³⁴³ *Cod. Theod.* 8.5.35 [378]: *A nullo umquam oppido aut frequenti ciuitate, mansione denique adque uico uno die ultra quinque ueredorum numerus moueatur, ac si quis eorum, qui praepositi uocantur aut mancipes, publico denique cursui nomine aliquo praesunt, hunc quem praescribimus modum patiatur excedi, seuerissime sinceritatis tuae auctoritate conpescetur.*

³⁴⁴ *Cod. Theod.* 8.5.4 [326].

function with regards to the *cursus publicus*. With the exception of the *praefecti uehiculorum*, all officials mentioned above are either station heads (*qui cursui publico praesunt*) or governors (*proconsules* and *rectores*).

First and foremost, the control duties of station heads entailed the inspection of users' permits. They were in an ideal position to carry out this task for two reasons: since the position – at least for *mancipes* – generally followed a career in the imperial service or fell to members of the curial class, such individuals would have been of equal or higher (social) rank than most users of the system, giving them vital authority when push came to shove;³⁴⁵ more importantly, the permits had to be displayed and approved at every station in order to requisition or change animals, for which reason station heads would review permits on a regular basis. Beyond the control duty at their station(s), they were also charged with investigative work in cases where animals had gone 'missing', i.e., taken further than one station.³⁴⁶

However, a number of particularly high-ranking users of the *cursus publicus* would inevitably have outranked even the *mancipes*.³⁴⁷ In a society as hierarchically structured as the Later Roman Empire, the lower rank would certainly have hampered the ability of *mancipes* to prevent misconduct by such individuals effectively.³⁴⁸ In addition, the duty as *manceps* was a *munus*, and an expensive one at that, increasing the attractiveness of bribes or other avenues of self-enrichment. It is, for instance, attested that animals were starved at some stations because *mancipes* had artificially inflated the price of the fodder that they purchased using the money received from provincials in place of in-kind proceeds and had thus not been able to sufficient amounts of fodder; the difference between the budgeted and actual price presumably remained in their pockets.³⁴⁹ Therefore, further control mechanisms were needed to check the abuses from the outside and the inside. To this end, two additional layers of control – governors and *curiosi* – existed.

When discussing the inspection duties of governors, the legal sources generally address them either by their rank (*proconsul*, *consularis*, (*cor*)*rector*, *praeses*) or by the

³⁴⁵ On the importance of rank for control functions, see MIGL 1994, 223.

³⁴⁶ *Cod. Theod.* 8.5.53 [395]: they were to fulfill this task together with the *muliones*.

³⁴⁷ PALME 1999, 118: along with the members of the provincial *officia* (*cohortales*), *mancipes*, who were generally drawn from the local aristocracy (*decuriones*), belonged to the lowest ranks of the *honestiores*.

³⁴⁸ ALFÖLDY 2011⁴, 273-97.

³⁴⁹ For illegal activities of *mancipes*: e.g., *Cod. Theod.* 8.5.21 [364]; abuse of animals and price inflation by *mancipes*: e.g., 8.5.60 [400].

blanket term *iudices*. They probably carried them out on their regular circuits through their provinces, e.g., by controlling stations on their way and the permits of any user present at the time. Of course, depending on the size of their provinces, governors may not have been able to affect much in this regard in person. Therefore, it seems reasonable to assume that they would have sent out members of their staffs (*cohortales*) in their stead.³⁵⁰ This arrangement might be alluded to when the sources speak of *exploratores* and *explorantes* on two occasions, once in a constitution from 326, and in a second one from 339.³⁵¹ These *termini* are generically translated as ‘investigators’ (PHARR) or ‘Kundschafter’ (STOFFEL).

Since they were charged with the investigation of misuse within the *cursus publicus*, KOLB suggests that they may have been *curiosi* (see below).³⁵² This solution remains unconvincing for two reasons: first, because *curiosi* are nowhere else referred to in such terms; and second, because all other appearances of *exploratio* (*exploratores* occur nowhere else) in the Theodosian Code are associated with the provincial administration.³⁵³ Thus, since personnel from the *officia* of governors may equally well have been involved in the control of the *cursus publicus*, it is perhaps more likely that such investigators belonged to the according group of officials; alternatively, they might represent control efforts through the military (pp. 91-3).³⁵⁴ That these are the only occasions such investigators appear, however, may make the latter suggestion most likely. In any event, governors were to check the validity of permits and probably also to ensure that stations were operated properly. Approved permits were to be marked with an official signature

³⁵⁰ On *cohortales*, see NOETHLICH 1981, 31-4; for details on the *officia* of late antique governors, see PALME 1999, esp. 95-120.

³⁵¹ *Cod. Theod.* 8.5.4 [326], 3 [339].

³⁵² KOLB 2000, 181.

³⁵³ *Cod. Theod.* 15.7.1 [371], referring to the control of stage actors, states: *Quod ut fideliter fiat, statim eorum ad iudices, si in praesenti sunt, uel curatores urbium singularum desiderium perferatur, quod ut inspectoribus missis sedula exploratione quaeratur.* *Cod. Theod.* 16.5.9 [382] charges the office of the PPo Florus with sending out *inquisitores* for an *exploratio* into certain heresies. The latter noun is thus again connected to an investigation launched by the provincial administration. The third and last occurrence is found in 6.27.18 [416]: addressed to the *mag. off.* Helionus, it orders an investigation into the *agentes in rebus*, whose ranks had been swelled by the addition of unworthy individuals. As the *schola* itself stood under investigation here, it is likely that the *mag. off.* would have given this task to an external investigator (i.e., not member of the *schola*).

³⁵⁴ *Cod. Theod.* 8.5.4 [326] at least suggests a connection between those *qui ubique sunt cursus publici obseruatione districti* and the *exploratores*; STOFFEL 1994, 135-6 argues against the association of the *exploratores* with either *agentes in rebus* or apparitors belonging to the office of the PPo; contra: KOLB 2000, 181, fn. 14.

(*subnotatio*).³⁵⁵ While the problem of corruption inside the system could be tackled in this fashion, the problem of the hierarchic gap between controllers and some users still existed.

For this reasons, there was a third group of controllers called *curiosi*. First attested in 335,³⁵⁶ they were charged with the control of the *cursus publicus* sometime prior to 355, probably between 340 and 350.³⁵⁷ *Curiosi* were drawn from the most senior ranks of the *schola agentum in rebus*, the imperial secret service whose members were hand-picked by the *magister officiorum* or the emperor. Some came directly from the *schola*, in which case they could be *ducenarii*, *centenarii*, or *biarchi*;³⁵⁸ others were taken from their posts as *principes* of the *officia* of various magistrates in the provincial administration, a position in which the most senior *agentes in rebus* (*ducenarii*) would serve as sources of information for the central government.³⁵⁹ Thus, Libanius calls them ‘the eyes of the emperor’ (*οἱ βασιλέως οφθαλμοί*).³⁶⁰ Further, *curiosi qui seruauerint honestatem* were protected from any condemnations of the praetorian prefects while they were on their one-year assignment.³⁶¹ The *Notitia Dignitatum* also attests so-called *curiosi cursus publici praesentales* assigned to the *magister officiorum* in the East and the West, who were responsible for the coordination of all *curiosi* stationed throughout the provinces.³⁶²

Given the first attestation of *curiosi* charged with controlling the use of the *cursus publicus* in the 340s, it appears very likely that they replaced the *praefecti uehiculorum*, who appear for the last time in the law from 326 cited at the outset of this chapter.³⁶³ There is no information about their organization prior to 356; in any event, from that year on, two

³⁵⁵ See fn. 366. The duty of governors to control stations is indicated in *Cod. Theod.* 8.5.64 = *Cod. Iust.* 12.50.19 [403].

³⁵⁶ ATHAN., c. Ar. 75: Παλλαδίῳ κουριῶσιν τοῦ Ἀγροῦστον with PASCHOUD 1983, 237-8, for whom the term *curiosus* designates in all cases *agentes in rebus* charged first and foremost with the control of the CP. KOLB 2000, 176 considers him to be the “am Hof agierende *curiosus*,” fundamental for the study of the *agentes in rebus* is BLUM 1969.

³⁵⁷ BLUM 1969, 46.

³⁵⁸ DELMAIRE 1995, 108 asserts that all *curiosi* were *ducenarii*; a convincing contra can be found in KOLB 2000, 176. The *biarchi* constituted the third-highest rank in the *schola agentum in rebus*, cf. H-S, s.v. “Biarchi.” “Beamte unter den Kaisern, zu den *agentes in rebus* gehörig, Proviantcommissäre.”

³⁵⁹ *Cod. Theod.* 1.9.1 [359] with KOLB 2000, 176-7. For the work of *agentes* as *principes officii*, see CLAUSS 1981, 32-40.

³⁶⁰ *Or.* 18.140.

³⁶¹ CLAUSS 1981, 77; length of assignment (addressed to Florus, *mag. off.*). *Cod. Theod.* 6.29.6 [381]; (partial) protection from condemnation by the PPos: 6.29.3 [359].

³⁶² As much is attested in *Not. Dign. Occ.* 9.44-5; *Or.* 11.50-1.

³⁶³ Thus, AUSBÜTTEL 1998, 113. The *curiosi* are sometimes associated with the term *praepositi cursui publici* (e.g., KOLB 2000, 175). Contra: DELMAIRE 1995, 107 and above, ch. III.3.

members of the *agentes* – identified as *curiosi* in the same law – were to be stationed in each province to fulfill special missions (*curas gerere*) and to regulate the *cursus publicus* (*cursum publicum gubernare*).³⁶⁴ The latter task is of greatest interest in this study: it entailed the control of permits (*hi uero peruigili diligentia providebunt, ne quis citra euectionis auctoritatem moueat cursum uel amplius postulet, quam concessit euectio*) on public roads (*canalibus publicis*).³⁶⁵ Such permits, if approved, were to be marked with an official signature (*subnotatio*).³⁶⁶ In addition to their high rank, their effectiveness was further bolstered through the authority gained by virtue of their function as secret agents of the emperor,³⁶⁷ and it is the inspection duty that *curiosi* were ‘reduced’ to at the end of the 4th century, although probably only in the provinces.³⁶⁸ John Lydus records that after 395, the *princeps officii* of the praetorian prefect – an *agens in rebus* himself – was responsible to check and countersign *euectiones* created by that official in order to validate them; he might have carried this function out alongside a *regendarius*.³⁶⁹ The lack of a counterpart of this official for the *magister officiorum* attests yet again that magistrate’s central role in the the control of the *cursus publicus*. This arrangement is particularly striking as the praetorian prefects were repeatedly denied the permission to undertake such inspection duties, which speaks for a conscious separation of the administration and control of the *cursus publicus*.³⁷⁰

³⁶⁴ *Cod. Theod.* 6.29.2 [356]; that this regulation had already been in place prior to 356 is indicated by the use of the perfect tense *iussimus*.

³⁶⁵ Other descriptions of this duty: *cursus tuendi* (*Cod. Theod.* 6.29.3 [359]); *ad cursum regendum* (6.29.4 [359]). A more precise definition of their task can be found in 8.5.49 [386], addressed to the *mag. off.* Caesarius: *li qui prouinciis praesunt inspectis euectionibus ex quacumque parte uenientium*. Due to his position, a constitution addressed to Caesarius would not contain orders pertaining to the provincial governors (as translated by PHARR); thus, STOFFEL’s interpretation of these individuals as *curiosi* seems to be the correct choice here.

³⁶⁶ *Cod. Theod.* 8.5.22 [366].

³⁶⁷ BLUM 1969, 48: “[...] durch die ‘*curae agenda*’ hatten die *agentes in rebus* oft eine größere tatsächliche Macht als die regulären Amtsträger.”

³⁶⁸ *Cod. Theod.* 6.29.7 [390] and 8 [395].

³⁶⁹ LYDUS, *Mag.* 3.40 = 2.10; 3.23; on the *regendarius* with control functions, see BLUM 1969, 49-78 and KOLB 2000, 171-3.

³⁷⁰ According to *Cod. Theod.* 6.29.2 [356], members of the office of the PPo Taurus, as well as those of some vicars, had “vindicated an equal license (i.e., the inspection of permits) to themselves” (PHARR). However, this law shows that, conceptually, there was no overlap between the functions of the *curiosi* and the middle and upper layers of the administration as stated by AUSBÜTTEL 1998, 114, although infringements occurred on both ends. See also *Cod. Iust.* 1.40.4 [335], which grants governors the permission to punish apparitors of the PPo who harm (*laniantes*) the CP; while it is possible that their illicit activity was related to control functions, such as charging excessive fees, the lack of context makes this law difficult to interpret.

Since roughly the middle of the 4th century, there thus existed three layers of control for the *cursus publicus*: *curiosi* – governors (and their *officia*) – *mancipes*. This arrangement remained largely unchanged throughout the 4th and into the 5th centuries.³⁷¹ Some minor adjustments included regulations disciplining *curiosi* who had apparently charged travellers exorbitant amounts for their inspection services. From 359 onwards, they were permitted to charge only one *solidus* per *reda* in provinces, in which the *cursus publicus* was financed by the provincials (*a prouincialibus exhibetur*).³⁷² According to STOFFEL, this regulation, which probably referred to the fulfillment of the mancipate, was of particular necessity in provinces where this duty was fulfilled by decurions. The latter would generally be of lower social standing than someone completing this *munus* following his service in the administration. Thus, such individuals would have been able to restrict the activities of *curiosi* much more effectively on their own.³⁷³ In 381, more stringent controls were introduced (at least in the East) when the *curiosi* were ordered to travel to the most remote stations to carry out their control duties so that illegal activities of users would be curbed.³⁷⁴ A constitution from 390 sent to Neoterius, praetorian prefect *Galliarum*, reports that there had been *curiosi* charged with the supervision of the *cursus publicus* (*sollicitudo cursualis*) in the past; of those, only one – presumably for each of the provinces of the prefecture *Gallia* – was to remain to check the permits of travellers.³⁷⁵ This decision may have been made as most of the provinces in question were either of a size that all relevant roads could be covered by one *curiosus* adequately (e.g., Narbonensis I and II), or because they did not see enough traffic to require more than one inspector (e.g., Lugdunensis II). Although no evidence proving this point is extant, it is likely that this constitution was extended to Illyricum and Italy once Valentinian II received control over

³⁷¹ Control function of governors: *Cod. Theod.* 8.5.22 [366]; of *mancipes*: 8.5.23 [365] (*cura inspicere*); the *curiosi* were abolished in certain provinces – Dalmatia as well as all those under the control of the PPo *Galliarum* – in the Western Empire between 413-5 (6.29.11-2).

³⁷² *Cod. Theod.* 6.29.5 [359]; the exact meaning of this phrase is unclear, but most likely refers to the fulfillment of the mancipate, cf. STOFFEL 1994, 143 and KOLB 2000, 193 with fn. 1; for a discussion, see ch. III.3.

³⁷³ STOFFEL 1994, 143.

³⁷⁴ *Cod. Theod.* 6.29.6 [381]; KOLB 2000, 177 convincingly interprets this law as an extension of the duties described in 6.29.2 [356]; contra: STOFFEL 1994, 148, who believes that *Cod. Theod.* 6.29.6 replaced the older constitution.

³⁷⁵ *Cod. Theod.* 6.29.7 [390].

those parts in 391; it was in any event adopted in the East in May 395, just three months after the death of Theodosius.³⁷⁶

The employment of military forces for the control of the *cursus publicus* is attested very sporadically in the 4th century. The first mention occurs in a law from 315 and allows *stationarii* to arrest individuals who had requisitioned illegally.³⁷⁷ Moreover, the abovementioned *exploratores* may have represented members of the military rather than apparitors of the governor as, ultimately, all evidence outside the Theodosian Code associates them with the army.³⁷⁸ Finally, a constitution dating into 368 affirms the use of the military to support efforts to eliminate transgressions in the prefecture Gaul: the *magistri peditum* and *militum* were to send out so-called *protectores* to ensure that both the proper vehicles were used and the maxima for their loads were observed. STOFFEL interprets this measure as one of the “vielfach bezeugten Anstrengungen Valentinians, dessen [the *cursus publicus*] Bedeutung im Allgemeinen zu erhöhen;” KOLB considers it a reaction to a drastic increase in the number of cases in which carts were loaded past the official maxima with only temporary effect.³⁷⁹ While KOLB’s suggestion is feasible, it should not be forgotten that it was Valentinian who had imposed more stringent regulations on the use of *parhippi* and *agminales* just two years previously (ch. III.6.2). It is thus quite possible that the seemingly unusual nature of Valentinian’s decision owed much to his general policy towards the *cursus publicus* and his programmatic anti-corruption legislation.

Having discussed the various instances of control for the *cursus publicus*, a review of their effectiveness would be valuable. In the first place, it must be noted that the highest-

³⁷⁶ *Cod. Theod.* 6.29.8 [395].

³⁷⁷ *Cod. Theod.* 8.5.1 [315]; on the *stationarii*, see LE BOHEC 2001 and SEG LVII, 2193 [174].

³⁷⁸ Cf. FIEBIGER 1909; CAMPBELL 1998.

³⁷⁹ STOFFEL 1994, 107; KOLB 2000, 182. Regulation in Gaul: *Cod. Theod.* 8.5.30 [368], addressed to Viventius, PPo *Galliarum*; a part of this constitution was extended to Italy and Illyricum: 8.5.28 [368], sent to Probus, PPo *Italiae, Africae, et Illyrici*. STOFFEL tried (with reservations) to associate it with 8.5.17 [365]. However, 8.5.28 seems by far the more likely reference. It reads: *Quod iam Gallis prodest, ad Illyricum etiam Italiaeque regiones conuenit redundare, ut non amplius raeda quam mille pondo subuectet, angariae mille quingenta sufficient, ueredo ultra triginta nullus inponat*. The contents of the *ut*-clause mirror exactly the regulations set down in 8.5.30. Using the new dating proposed by SCHMIDT-HOFNER (2008a, 532), 8.5.28 was dispatched (*directa*) on 12 December 368, while 8.5.30 dates to 23 September 368. The reverse order of the two constitutions might be explained by a mistake of the editors when collating the constitutions. On the creation of the *Cod. Theod.* and difficulties related to its use, see MATTHEWS 2000, esp. 55-84, and SIRKS 2007, esp. 109-77. For problems with relevance to dating (including the problems of the imperial consulate and the career of Probus), cf. COŞKUN 2002b.

ranking officials of those responsible for the former, the praetorian prefects and the *uicarii*, had no control function. These two were able to grant the greatest number of permits and thus would greatly influence the volume of traffic via the *cursus publicus*. Control functions, on the other hand, were reserved to the *magister officiorum* (and his *curiosi*), the provincial governors, and the *mancipes*. Of course, the first had full issuing rights, and the second had the right to distribute and a limited one to create permits. However, given that it must have been much easier for most individuals requesting a permit to reach a praetorian prefect, not least on account of their greater number, the *magister officiorum* was in all likelihood approached much less frequently. As for governors, the number of permits at their disposal was not only quite limited, but since their permits were only valid within their own provinces, most of those requesting them would have had to approach one of the higher-ranking officials anyways. Thus, with the highest-ranking inspectors – the *curiosi* – answering directly to the *magister officiorum*, a separation of administration and control was achieved. This division of responsibilities along with the tight net of controls especially at the station level indicates that controls could, theoretically, be quite effective especially once a *curiosus* was placed in the *officium* of the praetorian prefect in the East in 395. Difficulties would have presented themselves in the case of high-ranking users, as only the governors or *curiosi* had the authority to control the abuses of these individuals effectively. The very low number of the latter, however, at least sheds some doubts on the ability to prevent such cases from happening on a regular basis. Another compromising factor was also that *curiosi* seem to have been exposed to bribes and happy to abuse their position as highest-ranking controllers, for instance by providing their own permits.³⁸⁰ More generally, these doubts are strengthened by the fact that almost all laws included in book 8.5 of the Theodosian Code either represent reactions to past abuses and/or include emphatic reiterations of existing regulations geared towards preventing abuses although the extent to which these reflected the situation on the ground is difficult to ascertain due to the rhetorical style of late antique legal language.³⁸¹

³⁸⁰ *Curiosi* creating permits: LIB., *Or.* 18.143. Cases of bribery: *Vita Mel.* 52, and possibly *Cod. Theod.* 6.29.5 [359].

³⁸¹ E.g., MATTHEWS 2000, 57; on the language employed in antique legal language, see HONORÉ 1994² and 1998.

IV. Summary and Conclusion

With the advent of Augustus, a new era began for the Roman Empire. The transition from Republic to Empire, from an oligarchic to an autocratic regime, was accompanied by a re-orientation of all government functions towards the one man in power. In order to gather the information he needed and to move his magistrates to their assigned posts, Augustus established the IITS. Fundamentally an infrastructure through which members of the central administration could dispatch messengers or travel relatively quickly, it was never a system existing for its own sake, but only within the context of the imperial administration, catering to the needs of those in charge. As such, it was liable to change, adapting to constitutional changes and transformations of that framework.

The first part of this thesis has illustrated that as the Principate was consolidated, the judicial and legislative systems underwent fundamental transformations: while emperors had nominally been the highest authority in both areas since Augustus, it was only in subsequent centuries that they took an increasingly active function in the legislative system. It began with the codification of the Praetor's Edict under Hadrian, continued with the ascent of jurists under the Severans, and culminated in the creation of law codes, first under Diocletian, and later under Theodosius II and Justinian. This development in turn caused a shift of perception among the populace: the emperor was increasingly perceived as the source and final authority on all matters legal and judicial; combined with the legal *imperitia* of judges (i.e., governors) and a general lack of easily accessible, comprehensive repositories of legislation, all eyes fixed on the emperor to help and to clarify. The volume of correspondence directed to him was without a doubt immense. This situation was aggravated by the *Constitutio Antoniniana*, through which the number of Roman citizens increased drastically, and thus did the volume of litigation under Roman law. As all this correspondence involved the emperor, the portion of it that was sent via letter or in delivered person would often have involved the IITS for both or just the return journey. While emperors thus became more and more involved in the legislative and judicial process, a variety of factors necessitated their personal presence with the army to build loyalty to maintain the empire. The result was that emperors, from the Severi onwards, had to spend most of their reigns on the road; and as they were constantly receiving petitions and queries from all over the empire, they had to take their administrative staff with them.

The resulting rise of travelling courts could only be sustained if a suitable, tightly-knit infrastructure existed, along with the capability to transport anything that might be required. Finally, the resource needs of the Empire also increased. To cover the rising costs, masses of coins were minted, which in turn required precious metals and the capacity to transport both. Meanwhile, the currency was successively debased, and soldiers were increasingly unhappy to be paid with ‘bad’ money. This conundrum was solved with extraordinary requisitions from the people carried out with increasing frequency as a result of barbarian invasions and civil unrest. But, again, these goods needed to be moved to where they were actually needed. In order to deal with a significant amount of the increasing need to transport an increasing volume of goods and messages reliably and reasonably quickly, the central administration made use of the IITS to some extent.

Conversely, the IITS itself remained largely unchanged while all these developments took place; true, it was shown that ox-carts started to appear in the 3rd century, and other changes may simply have escaped transmission, but, fundamentally, the system remained as it had been at the turn from the 1st to the 2nd century, and as such it was clearly insufficient for the demands of the 3rd century. And in the latter half of that century, the central government had no capacity to reform the IITS in a permanent and sustainable manner – 50 years of almost continuous civil and external war required all its attention.

When Diocletian took over in 284, he must have been greeted by a relatively parlous state of affairs. Myriads of petitions had gone unanswered, and the transportation and communication infrastructure was in bad shape. Its shortcomings became more pronounced through the reforms of that emperor: a novel form of government was introduced; almost all provinces were split; additional layers in the administration were created; military and civil posts were separated at all levels of the administration; a new taxation system was introduced; and army strength was increased again. The effects for the IITS must have been staggering. Not only had the number of potential users grown immensely, but also the need for communication itself had increased once more. The new taxation system fundamentally incorporated the formerly irregular extraordinary requisitions and thus yielded a much greater volume of in-kind proceeds than before. Combined with the increased army size and greater number of mobile courts, the result was yet again a growing need for transportation. It must be noted, however, that the IITS only

took an auxiliary position for most of the transportation tasks; the bulk of these would be carried out by the means of the court, the army, and the provincials when delivering their taxes.

These options notwithstanding, a significant amount of goods remained to be transported at least on part of its way between its place of production and its final destination, so that, on balance, the demands on the IITS increased. Therefore, if its shortcomings had not been obvious enough before, the need for a reformed IITS became ever more pressing. Thus, in the latter part of his reign, Diocletian reacted by creating the *cursus publicus*, a ‘new’ IITS designed to cope with the demands of its times through the systematic incorporation of ox-carts and by setting up an infrastructure that would mostly render extraordinary requisitions with their perillous effect on economy and society at large superfluous.

However, the requirements were raised again under Constantine. Reforms begun by Diocletian were continued and, in some areas, completed. Most importantly, Constantine promoted communication between the populace, the administration, and himself, as well as among the ranks of the administration on an unprecedented scale. At the same time, it was absolutely critical that, notwithstanding this volume of communication, the emperor’s directives could be delivered to their destination *sine mora*. Thus, Constantine created two subdivisions for the *cursus publicus*, one specialized on quick courier services and the transportation of goods essential to the central government, the *cursus uelox*, the other designed for a less urgent but more cost-effective transport of official cargo and individuals, the *cursus clauulari(u)s*.

The infrastructural basis of roadside stations reached its greatest comprehensiveness in the early 4th century as a result of the incorporation of ox-carts. It then remained largely unchanged over the course of the following century. However, developments occurred in the administration and financing of the *cursus publicus*. Both clearly reflect the effects of the increasing centralization of the Empire and the integration of various aspects into the administrative apparatus in a bid to promote the efficient use of limited resources: the requirements of each station were now determined by the provincial administration while food and fodder were provided through the *annona*; building projects were approved or initiated by the administration, but, as with the equipment and

maintenance of stations, they generally had to be paid for by the provincials. Even here, the governors were involved as they divided these requirements among the property classes of each community. Moreover, the administration of the *cursus publicus* was streamlined: the *praefectura uehiculorum* disappeared, and (most) of its functions were incorporated into the provincial administration under the aegis of the praetorian prefects; the selection of *mancipes* was also taken on by the central administration. These individuals could be assigned to specific stations or larger areas. Within their purview, they took charge of either both divisions of the *cursus publicus* or were dedicated to either the *cursus clauulari(u)s* or the *cursus uelox*, whereby they could in turn hire contractors to manage individual stations in their stead. Overall, these developments attest the streamlining of the administration of the *cursus publicus* through the integration that system into the increasingly centralized imperial administration, yielding a more thoroughly organized and efficient system than the IITS had ever been before.

The development of usage rights appears to have taken place more gradually. It may be an accident of source transmission, but, initially, extant legislation primarily governed the use of the *cursus publicus* for travelling. There can be no doubt, however, that it was likewise used extensively for the transportation of goods. In any event, the number of people eligible to use the *cursus publicus* was continuously expanded, e.g., to *agentes in rebus*, civic or provincial ambassadors, senators, bishops, and members of the military. Simultaneously, this same time period saw a profusion of legislation governing the transportation of goods via the *cursus publicus*. Not only the increasing variety of items to be transported, but also the repeated definition of maximum loads indicates both a more conscious reliance on the transportation capacities of the *cursus publicus* as well as an attempt to use its resources as efficiently and sustainably as possible.

There is a notable surge of legislation in the decades following the 360s, when the process of hierarchization of the provincial administration into the three-tiered system of praetorian prefects – vicars – governors (from top to bottom) was completed. With the firm establishment of hierarchies, particularly between the former two, came the need for legislation regulating the position of the vicars. The establishment of a general maximum allowance for the latter may have been a part of a wide-set reform in the context of which several different, high-ranking officials were assigned such maxima, allowing them to

requisition the numbers and types of animals without a note to that effect having to be included in their permits.

The conclusions drawn in the two preceding paragraphs find confirmation in the study of issuing rights. Initially, it seems that those individuals who had the privilege to create and/or distribute permits for the IITS (governors, praetorian prefects, maybe the *praefectus uehiculorum*, and the emperor) retained it in the early 4th century. The officials in the newly created posts of *magister officiorum* and *uicarii* likewise received full issuing rights. It remains unclear exactly how the default numbers of permits entrusted to the governors on an annual basis was affected by the multiplication of provinces, but the lack of legislation³⁸² on this matter suggests that governors retained their established right to distribute an annual allowance of permits which was limited to two under Julian. Praetorian prefects, on the contrary, had always held full issuing rights, while vicars and the *magister officiorum* had the same privilege since the creation of the positions in the 3rd and 4th centuries, respectively. Alongside the emperor, only the latter was allowed to provide permits for the *agentes in rebus*. It seems the relatively unrestricted issuing privileges in the early 4th century led to frequent abuses, triggering a successive limitation of this right that took into account the smaller size of provinces, the creation of dioceses and regional prefectures, as well as the development of the hierarchic division of the top layers of the provincial administration. Through this process, among others, communications towards the emperor were streamlined and thus may have ultimately reduced traffic as dispatches could be filtered according to importance and forwarded in batches. It is in this light that the legislation of Julian, Valentinian, and Theodosius I, who successively tried to reduce the number of those permitted to create *euectiones*, but also to curb their distribution and thus the use of the *cursus publicus* as such, should be interpreted.

Moreover, in many cases, the extant constitutions were prompted by reports about officials who had illegally created and distributed permits for official as well as private purposes. They did so at great risk to themselves, as transgressions of this kind could carry

³⁸² Possibly a problem of source transmission, as Diocletian's reform of the IITS took place after the codifications of Gregorianus and Hermogenianus and before the time period relevant for the *Cod. Theod.* (beginning with Constantine in 312), and could thus also not have been included in the *Cod. Iust.*; however, the first laws in the *Cod. Theod.* on this topic seem to support a continuation of old conditions.

penalties like *relegatio*³⁸³ or the imposition of fines on the issuing magistrate and his office.³⁸⁴ The readiness to take such a great risk for themselves and their families suggests that they gained a substantial advantage from doing so. One may think of the immediate benefit of having correspondence delivered more quickly or reliably on the one hand, or the indirect one of gaining the goodwill – or considerable bribes – of powerful individuals by providing means for their travels. Either way, both possibilities required the existence of a transportation and information system operating as smoothly and efficiently as possible for such favour to have any value.

The control of the *cursus publicus* was adapted to the increasingly specialized use of the system on the one hand, and the ever more hierarchically structured society of the Later Roman Empire on the other. Explicitly excluding the top two tiers of the provincial administration (praetorian prefect(s) and *uicarii*), it was delegated to the provincial and thence to the station level, where the station heads, *mancipes*, were closest to the action and thus in an ideal position for this task. However, the most powerful and authoritative controllers, the *curiosi*, stood under the direct control of the *magister officiorum* since that official had gained control over the *schola agentum in rebus*, thus effectively separating administration and control duties and allowing the imperial court to monitor the *cursus publicus* from the ‘outside.’

Overall, the results of this study suggest that over the course of the 4th century, the *cursus publicus* was streamlined while, at the same time, its scope of application was increased. The regulations governing administrative aspects and which may, taken out of their historical context, seem like signs of repression and limitation, occurred in concert with and were conditioned by administrative and constitutional developments of the Roman Empire. Given the many regulations aimed at consolidating and adapting the late antique IITS, the ‘new’ *cursus publicus* of the late 4th century seems to have been somewhat less comprehensive than that of the early to mid 4th century, but to have operated far more efficiently and thus presented a very effective and integral tool for the central administration to rule the empire.

³⁸³ *Cod. Theod.* 8.5.4 [326].

³⁸⁴ *Cod. Theod.* 8.5.40 [382].

The importance of information and the ability to communicate effectively were already identified as central in the introductory paragraphs of this thesis. It was in order to gain the ability to do exactly that which motivated Augustus to establish the IITS. As the degree of centralization in the administration increased concurrent to the importance of the emperor in ruling the empire, being informed of any important developments anywhere as timely as possible and being able to react accordingly became ever more important; hence, the intense reform activity pertaining to the IITS in the late 3rd and throughout the 4th centuries. The central role of one man in the government did not diminish in the following centuries, yet it is clear that the level of efficiency of the *cursus publicus* attained in the late 4th century was not maintained for long. Up-to-date and comprehensive assessments of the history of the *cursus publicus* during this time period and its role in the Germanic kingdoms in the West and the Byzantine Empire in the East would go a long way in rounding off a thorough history of the IITS.

Appendix: *Euectiones* and *tractoriae* – the Permits for the *cursus publicus*

When Augustus instituted the IITS, officials (*militantes*) required a permit for its use (*diploma*) only if they were of lower rank, while high-ranking officials, i.e., senators, equestrians, and centurions, were exempt from this obligation. Instead of showing a *diploma* indicating their privileges, they requisitioned animals and carts in accordance with their social class or, in the latter case, military rank. By the middle of the 1st century, equestrians and centurions had lost this privilege. It is not entirely clear whether this new restriction applied to senators at that time already; in any event, by the time of Vespasian, they were certainly required to carry a *diploma*.³⁸⁵

As was mentioned above, the usual term used for a permit for the IITS prior to the 4th century was *diploma*. By 326, however, this *terminus technicus* had been superseded by *euectio*;³⁸⁶ not a single use of the term *diploma* can be found in the Theodosian Code referring to the *cursus publicus* either before or after this. While the exact format of *diplomata* remains opaque, the evidence is much more forthcoming for *euectiones*. When issued by an official other than the provincial governors, they appear to have been valid in the entire empire. Those given out by the latter were valid in the province of issue with the exception of those provided to *rationales* of the imperial largesses (ch. III.5.3). They had to contain the name and rank of the traveller,³⁸⁷ the time frame during which the permit would be valid,³⁸⁸ and – usually – the type and number of vehicles and animals that the

³⁸⁵ For a detailed discussion of the requirements for *diplomata* during the Principate, cf. LEMCKE – COŞKUN 2013.

³⁸⁶ *Cod. Theod.* 8.5.4 [326], 3 [339]. See also OPT., App. 3 [205-6]; *Cod. Theod.* 8.5.5 [354], 8 [356], 9 [356], 12 [362], 13 [362], 18 [364], 19 [364], 20 [364], 22 [366], 32 [371], 33 [374], 38 [382], 40 [382], 41 [382], 43 [384], 52 [393], 54 [395], 55 [396], 56 [396], 57 [397], 61 [400], 62 [401]; SYMMACHUS, Ep. 1.21; 4.7; 7.48, 96, 105, 106; 9.22; AUG., Epist. 55. For further occurrences, see GRADENWITZ 1925-9, who lists 40 titles of the Theodosian Code in which *euectio* appears. Note also the only abstract use of the term in *Cod. Theod.* 8.5.3: *quibus si a publico itinere aliqua militari uia deuertendum fuerit, ubi euectio non erit*; PHARR translates: “if it becomes necessary for you to turn aside from the public highway into a military road, for which there is no permit,” STOFFEL’s translation reads: “wenn ihr von einem öffentlichen Weg auf irgendeine Militärstrasse abbiegen müsst, wo es keine Post gibt.” When taking into account the additional information provided in *Cod. Iust.* 12.50.2 for this law, STOFFEL’s translation should be preferred.

³⁸⁷ *Cod. Theod.* 16.10.15 [399]: *si illicitis euectiones aut suo aut alieno nomine potuerint demonstrare*.

³⁸⁸ *Cod. Theod.* 8.5.9 [356]: *Miranda sublimitas tua nullos euectioni dies addendo esse congoscant nec passim raedarum tractorias uel euectiones birotum faciat*; 8.5.12 [362]: *euectionum frequentia quas uicaria potestas et praesidium adque consularium officia prorogare*; *prorogare* is here understood in the sense of extending the temporal validity (STOFFEL 1994, 94; PHARR’s suggestions of an alternative reading of *prorogare* as “prolong their issuance” seems unlikely); 8.5.27 [365]: *Neque plures parhippos dimittendos nec emensis*

traveller was allowed to requisition;³⁸⁹ they may also have contained the route of the journey.³⁹⁰ In addition, the name, rank, and possibly the official seal of the issuer had to be included.³⁹¹

By 314, the additional term *tractoria* appears in the sources to denote permits of the *cursus publicus*. Attested in only five laws and some letters, its apparent similarity to the *euectio* has so far made it difficult for scholars to arrive at a convincing definition. The etymology of the word may serve as a starting point for the following: its Latin root *trahere* connects it to the notion of dragging or hauling something along.³⁹² This may suggest a connection to the *cursus clauulari(u)s*, or to transportation of goods or persons with carts in general as opposed to riding horses.

In scholarship, several attempts have been made to further the understanding of this term. GOTHOFREDUS first discussed the *tractoria* in his commentary on the Theodosian Code, defining it as a document similar to an *euectio* but allowing free lodging and provisions in addition.³⁹³ This view has been accepted by most scholars to date.³⁹⁴ KOLB rightly challenges this interpretation: none of the sources confirms this interpretation, and, more specifically, GOTHOFREDUS' conclusion, based on *Cod. Theod.* 8.6.1 [368] and 8.6.2 [392], is erroneous since free lodging and hospitality had to be provided to users of the IITS as early as the 1st century, regardless of whether they held a permit or not.³⁹⁵ Moreover, special food allowances, *annonae*, appear to have been a coveted extraordinary extension of any basic permit as is attested in *Cod. Theod.* 8.6.2 and elsewhere.³⁹⁶ Instead,

euectionibus dandam conmeandi cuiquam facultatem grauitas tua cognoscat, with STOFFEL 1994, 106; 7.12.2 [379]: *sex mensum spatium supra diem commeatus aut iussionem euectionis afuerit*.

³⁸⁹ *Cod. Theod.* 6.29.2 [356]; 8.5.14 [362], 22 [365]; 12.12.9 [382]. See also, SYMMACHUS, *Ep.* 7.48 [399].

³⁹⁰ E.g., SYMMACHUS, *Ep.* 1.21: *Accepi euectiones quattuor inmane quantum commodas in excursus et recursus meorum*.

³⁹¹ KOLB 2000, 114-6.

³⁹² Cf. LSD, s.v. “*traho, ere*” and “*tractorius, a, um*,” OLD, s.v. “*traho*,” DE VAAN, s.v. “*traho, ere*.”

³⁹³ GOTHOFREDUS 1736, 596.

³⁹⁴ HUDEMANN 1878, 101 and 112-4; SEECK 1901, 1861; HUMBERT 1919, 383; GANSHOF 1928; ENSSLIN 1937, 1872; PHARR, 196 with fn. 34 (*euectiones*) and 35 (*tractoriae*); CHAPMAN 1978, 61-2; HYLAND 1990, 252, who (incorrectly) adds a third type of permit – the *angaria* – which she considers to be a warrant granting the use of post wagons; STOFFEL 1994, 93.

³⁹⁵ KOLB 2000, 110-2; see SEG XXVI, 1392 [20/37], ll. 23-25 for the right to free hospitality and lodging.

³⁹⁶ *Cod. Theod.* 8.6.2 [392]: *Tractoriae cum statuiis solitis bidui tantummodo tempus accipiant. Nulli uero penitus cum necessariis (Cod. Iust.: sibi personis) praebeantur nisi his tantummodo, qui animalia atque equos sacro usui necessarios prosequuntur, ita tamen, ut his dimissis in tractoriarum corpore praefinitus quinque dierum numerus adscribatur, ut nullus ultra hoc temporis spatium ad residendum in quo libitum fuerit loco copiam nanciscatur*. KOLB 2000, 112 interprets this law as dictating that food ought to be supplied for the conveyed animals only. This seems unlikely; rather, it appears that the privilege of free lodging

KOLB proposes a three-pronged definition: (1) a *tractoria* was synonymous to an *euectio*, but (2) could be used to denote the invitation to a synod in Christian literature, and (3) at times (*Cod. Theod.* 6.24.2 and 7.18.11) stood for an “Anweisung zur Verpflegung auf Kosten des Staates.”³⁹⁷

Based on a different interpretation of *Cod. Theod.* 8.5.9, another solution was proposed by JONES: he asserted that there was a clear distinction between permits for the *cursus uelox* and the *cursus clauulari(u)s*: *euectiones* would be used to indicate the right to use the former, *tractoriae* the latter.³⁹⁸

A closer look at the sources used in the various arguments may shed some more light on the debate. KOLB adduces *Cod. Theod.* 6.24.2 [364] and 7.18.11.1 [403] (although only with some caution) to bolster her last claim. The relevant passage of the former constitution reads: *ut annonae, quae amplius insumuntur uel per tractorias deferuntur, recidantur*. However, this phrase does not support her assertion that this constitution indicates an “Anweisung zur Verpflegung auf Kosten des Staates.”³⁹⁹ Addressed to the *comes domesticorum* Severus, it commanded that the sons of close relatives of *domestici* ought to be attached to the household guard, regardless of their age. In that position, they were to be “enriched by the grant of subsistence allowances (*annonae*)” while they “dwell in fixed abodes.” It is important to stress that these *annonae*, limited to four in the following, did thus clearly not refer to benefits which these individuals could gain while traveling. Rather, they were rations to be delivered to them. Should they, however, dare to exceed the maximum of four, and such “additional subsistence allowances (were) taken or

already made explicit in the Sagalassus inscription and existing in the mid-4th century (8.10.2 [344]) was still in place in 392; however, it is possible that by 392 permits had to state whether a traveller was eligible for free rations (*annonae*) while fodder for animals was always included. As much is suggested in several sources, e.g., SYMMACHUS, *Ep.* 7.96: *quod annonarum et euectionum cumulet adiectio*; AUG., *Epist.* 117 [410]: *euectio cum annonis*. Since provisions and fodder were procured through the *annona*, both would have been provided free of charge.

³⁹⁷ KOLB 2000, 110.

³⁹⁸ JONES 1964, 331.

³⁹⁹ *Cod. Theod.* 6.24.2 [364]: Impp. Valentinianus et Valens AA. ad Severum comitem domesticorum. *Domesticorum filios uel propinquos paruos uel impuberes domesticorum coetibus adgregamus, ita ut non solum matriculis inserantur, uerum etiam annonarum subsidiis locupletentur. Quaternas etenim annonas eos, quos armis gestandis et procinctibus bellicis idoneos adhuc non esse constiterit, in sedibus iubemus adipisci his condicionibus, ut annonae, quae amplius insumuntur uel per tractorias deferuntur, recidantur*. For a similar criticism, see also COŞKUN 2002-2012.

delivered by means of warrants (*per tractoriae*),”⁴⁰⁰ i.e., using the resources of the *cursus publicus*, those rations were to be cut off. The term *tractoria* is thus clearly used to denote the transport of whatever goods were included in such subsistence allowances.

Cod. Theod. 7.18.11, issued to the praetorian prefect *Italiae et Africae* Hadrianus, sets out the procedure which should be applied when dealing with deserters.⁴⁰¹ Although the use of the *cursus publicus* by the army is attested, it seems to have happened rarely and generally for transportation purposes (ch. III.5.4b). In any event, a discharged soldier – unless he was a tribune or a member of one of the special units listed in *Cod. Theod.* 8.5.49 – was explicitly forbidden from requisitioning *uehicula* as his travel expenses were covered by a *uiaticum* in accordance with instructions contained in an imperial letter presented to him upon his dismissal.⁴⁰² While it was most likely more inconspicuous to travel on the slower and apparently more widely used vehicles (in particular the *reda*), a deserter may have opted for the greatest possible speed, pretending to be on an official mission to gain access to any of the smaller vehicles or even a horse. On the other hand, accelerating the journey home by a few days or weeks was hardly worth the potential penalties if discovered. Nonetheless, this law does not allow us to draw a conclusion as to the specific application of the *tractoria*.

The case is clearer when discussing the evidence that KOLB puts forward to buttress her first interpretation: she uses *Cod. Theod.* 8.5.9 [357] and 8.6.1 [368] to show that *tractoria* was used as mere synonym for *euectio*. 8.6.1, issued to the praetorian prefect *Italiae* Rufinus, states that soldiers who had been discharged from service should not be furnished with a *tractoria*. However, a soldier in this situation would never be in a hurry – at least from the central administration’s point of view – to reach his destination; what’s more, he would be taking his belongings with him. Therefore, the notion that, if anything, a soldier requesting a permit to travel after his discharge would be issued a document

⁴⁰⁰ PHARR translates *tractoriae* as ‘post warrant with subsistence.’ In the interest of arriving at a precise definition, I prefer to use the more neutral expression “warrant” for the moment.

⁴⁰¹ *Cod. Theod.* 7.18.11 [407] *Ita tamen [...] ne sub falsarum tractoriarum nomine desertionis suae crimen defendere moliantur, nec subpositis aut commentis epistulis euadendi habeant facultatem. In desertorum quoque occultatores iuxta promulgatas leges seuerissime uindictetur* (PHARR: “so that deserters may not attempt to defend themselves against the charge of desertion by the use of forged *tractoriae* (PHARR: post warrants with subsistence) and that they may not have the opportunity to escape through supposititious and forged letters.”)

⁴⁰² *Cod. Theod.* 8.6.1; a similar regulation applied to high-ranking military personnel, cf. 8.5.39 [382].

restricting his usage rights to means allowing transportation rather than quick movement alone seems justified.

Cod. Theod. 8.5.9 [368], sent to Taurus, praetorian prefect *Italiae et Galliae*, forbids the addressee to issue *tractoriae* for the use of *redae*⁴⁰³ or *euectiones* to requisition *birota*. As mentioned earlier, these two *uehicula* were to be used with maximum loads of 1,000 and 200 pounds, respectively.⁴⁰⁴ Of the two, only the *reda* could have been (and was) used for transportation as well as travelling, while the *birota* seems to have been limited to quick transportation of one or two individuals (ch. III.5.2-3). This contrast between *reda* and faster means of transportation, i.e., *birotae* and *veredi*, is mirrored in *Cod. Theod.* 6.29.2. The relevant passage states:

*Hi uero peruigili diligentia prouidebunt, ne quis citra euectionis auctoritatem moueat cursum uel amplius postulet, quam concessit euectio, ut habens unius copiam raedae flagitet duas, aut raedam usurpet, cui birotum uel ueredum [postu]lare permissum est. Quisquis igitur aliquid tale perpet(ra)re temptauerit, inprobi coepti priuetur effectu.*⁴⁰⁵

Addressed to the same recipient as the previous constitution, it contains several regulations pertaining to *agentes in rebus* and their rights to requisition during an official mission. In the passage quoted above, two types of illegal behaviour are contrasted: on the one hand, the requisitioning of two *redae* if only one was permitted in the traveller's *euectio*; on the other, the use of a *reda* if the *euectio* only allowed for a *birota* or a horse (*ueredum*). While the *euectio* could thus apparently grant access to all types of means of transportation, there seems to have been a clear differentiation made on the basis of speed and suitability to transportation duties. This supports the possibility of the existence of a permit that could restrict the user to the lighter or the heavier *uehicula*.

⁴⁰³ The term *reda* appears 12 times in the *Cod. Theod.*: 6.29.2 [356]; 8.5.8 [356], 9 [356]; 6.29.5 [359]; 8.5.24 [365], 28 [368], 30 [368], 35 [378], 40 [382]; 12.12.9 [382]; 8.5.47 [385], 48 [386].

⁴⁰⁴ *Cod. Theod.* 8.5.17 [365]; similarly, 8.5.30 [368] and 28 [368].

⁴⁰⁵ "They [*agentes in rebus*] shall provide with ever watchful care that no person without the authorization of a post warrant shall employ the public post or demand more than is authorized by his warrant, as, for example, if a person with a right to the use of one four-wheeled carriage should demand two carriages, or a person with the right to demand a two-wheeled carriage or a posthorse should usurp the use of a four-wheeled carriage. Therefore, if any person should attempt to perpetrate anything of that kind, he shall be deprived of the achievement of his dishonest attempt." (PHARR).

Cod. Theod. 8.6.2 [392] was issued to the praetorian prefect *Orientis* Rufinus. It limits the validity of *tractoriae cum statuiis solitis*⁴⁰⁶ to two days with the exception that the *tractoriae* held by those escorting wild animals and horses destined for official use should be valid for five days. These individuals certainly had no need to travel as quickly as possibly as their aim was the safe conveyance of the animals rather than doing so at breakneck speed. More importantly, these *animalia* – wild animals – would have been conveyed in cages, which had to be transported by means of carts. Likewise, the goods to be transported would require the use of carts rather than riding animals. The guards would then accompany the convoy while riding on these carts.⁴⁰⁷

The final piece of evidence from the law codes is a relatively late constitution included in the Justinian Code announcing the elimination of the *cursus clauulari(u)s* in the diocese *Oriens*. It also shows a connection between the *tractoria* and the facilitation of various forms of transportation through the *cursus publicus* by stipulating certain cases (*memoratis causis*) in which *tractoriae* were to be provided. Among those, it names the transport of soldiers from one place to another by imperial order, the collection and conveyance of arms, and journeys of embassies.⁴⁰⁸ Clearly, the first two cases required the use of carts, and the same is confirmed for embassies in the Theodosian Code.⁴⁰⁹

Outside of the legal texts, there are only a few occurrences of *tractoria*. In a letter included in the appendices to Optatus' writings, Constantine grants several African bishops and those accompanying them *euectiones* to travel to the Strait of Gibraltar, and, once they had crossed it, *tractoriae* for the last leg of their trip to Arles.⁴¹⁰ It is unlikely that *tractoria* already had the meaning of 'invitation to a synod' in the early 4th century; this connotation seems to have been established over the course of that century, as the correspondence of

⁴⁰⁶ The addition of *cum statuiis solitis* is generally translated as "customary lodgings" (PHARR) or "gewöhnlichen Aufenthalt." (STOFFEL).

⁴⁰⁷ *Cod. Theod.* 8.5.18 [364].

⁴⁰⁸ *Cod. Iust.* 12.50.22 [467/8]: Imp. Leo A. Pusaeo PP. *Cursum clauularem ab omni Orientali tractu nec non ab his ciuitatibus aliarum regionum, quarum instructio tui culminis meminit, tolli amputarique decernimus, ita tamen, ut in transitu fortissimorum militum (quando nostra serenitas disposuerit ex aliis ad alia eos loca deduci, euectionesque animalium secundum consuetudinem a nostra fuerint aeternitate consecuti) et in armorum tam confectione quam translatione seruata consuetudine, in profectione quin etiam legatorum animalium dominis, qui ea solent accepta mercede locare, praebenda pensio arcae tui culminis imputetur. Tractorias uidelicet animalium super memoratis causis nulli alii iudici, cuiuscumque sit dignitatis, nisi tuo tantummodo culmini faciendi licentiam patere decernimus.*

⁴⁰⁹ *Cod. Theod.* 12.12.9 [382].

⁴¹⁰ OPT., App. 3 (CSEL 26, 205-6).

Augustine suggests.⁴¹¹ More importantly, the *tractoria* is used in the same breath as the *euectio*, clearly indicating at least that both referred to the use of the *cursus publicus*. But why should two different terms be used for permits in the same letter? It seems to me that the most obvious solution is that for the first interval of the trip, there was no need to specify which types of permit the bishops were to receive; as they were the only ones travelling through North Africa to attend this synod, the extra traffic on account of this gathering of bishops (or their representatives) was very limited in that area. On the contrary, once they reached Spain, they had to share the *uia Domitia* hugging the eastern coastline until Arles with Spanish bishops; the last stretch of the road (Narbo Martius to Arelate) might even have been used by some representatives from the western parts of Gaul. For the second interval, it was therefore in the emperor's best interest to ensure that bishops were limited to the use of carts while guaranteeing that the faster means of transportation were available for his own needs at all times.

Finally, another occurrence of *tractoria* is found in a letter of Symmachus.⁴¹² In 399, he wrote to Vincentius, praetorian prefect *Galliarum*, to renew *tractoriae* which had been granted to him by Flavius Mallius Theodorus for some men, whom he had dispatched to Spain to procure race horses. Theodorus had been praetorian prefect *Italiae* when he provided the permits initially, but had since stepped down from that post. Symmachus, rather than risking that his cargo would be stopped due to expired paperwork, asked for a letter confirming the validity of his old permits. As all of the cited letters indicate that Symmachus had requested *euectiones* initially, how might this one-time use of *tractoria* be explained? There are, I think, two possibilities:

- 1) Initially, he had written to his various contacts to provide him with permits for the way to Spain, and Theodorus had obliged and provided the relevant documents, probably covering both the journey there and back. Symmachus would have used *euectiones* in that context for the simple reason that, as he stressed himself in every one of these letters, he wished to speed his men along as quickly as possible. Logically, horses would suit his purpose best, but he could only obtain these through an *euectio*.

⁴¹¹ AUG., *Epist.* 59.

⁴¹² SYMMACHUS, *Ep.* 9.25; the initial request for permits allowing the trip towards Spain (hence the request specifically for *euectiones*) was sent to various officials: to Stilicho (*Ep.* 4.7 [399]); to Patruinus (7.105 [399]); to Petronius (7.106 [399]); to Hadrianus (7.48 [399]); and finally to Aurelianus (9.22 [399]).

However, maybe due to greater reluctance of officials to grant access to horses due to their greater importance with respect to the emperor's needs and the costs involved, he may only have received *tractoriae*. Therefore, having been informed of the resignation of Theodorus, he asked for a letter validating those permits.

- 2) Alternatively, he may have received *euectio*es for the outbound trip, and *tractoriae* for the “transport des chevaux par des vans ou fourgons appartenant au *cursus publicus*” on the return journey.⁴¹³

Whichever one of these two interpretations might be accepted, it still seems that even in the few occurrences in literary sources outside the law codes, the *tractoria* could very well have been a permit for the use of heavier carts of the *cursus publicus*.

Overall, I would argue that *tractoria* was used to permit access to *redae* or *angariae* of the *cursus publicus*, while an *euectio* could be used to grant access to any type of vehicle in that context. In all other regards, the two permits seem to have been identical. It is, therefore, not surprising that there are only very few reference to *tractoriae*: most regulations relating to permits discuss their use in general. For instance, issuers were granted the right to create or issue a certain number of permits at their discretion for the use of the *cursus publicus* for any given purpose, be it transportation or travel (of course with relevance to the central administration). In such instances, *euectio* was preferred as it encompassed all types of means of transportation; *tractoria* was used only in special cases for which such a limitation was deemed necessary.

⁴¹³ For the quote, see CALLU's (2002, 104) commentary on SYMMACHUS, *Ep.* 9.25.

Bibliography

General Notes

The dates of all laws cited are based on the revised *regesta* of

- CUNEO 1995 and CORCORAN 1996 for the Constantinian dynasty,
- SCHMIDT-HOFNER 2008a for the reigns of Valentinian and Valens.

All constitutions falling outside this range follow the consensus of the editors of Projet Volterra (<http://www.ucl.ac.uk/history2/volterra/>); for laws not dated in their database the revisions by STOFFEL 1994 have been used; all other references are to SEECK 1919.

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Abbreviations of names of ancient authors and their works follow the Brill standard; works that are not included there have been included in the list of abbreviations on pp. vii-viii.

- | | |
|-----------------------------------|---------------------|
| - Aelius Aristides | KEIL 1898 |
| - Ammianus Marcellinus | ROLFE 1935-40 |
| - Gerontius (<i>Vit. Mel.</i>) | CLARK 1984 |
| - Julian (CUMONT – BIDEZ) | CUMONT – BIDEZ 1922 |
| - Julian (WRIGHT) | WRIGHT 1913-23 |
| - Libanius | NORMAN 1969-77 |
| - Livy | CHAPLIN 2007 |
| - Joannes Lydus | SCHAMPS 2006 |
| - Optatus | ZIWSA 1893 |
| - Suetonius | IHM 1903 |
| - Symmachus (<i>Epistulae</i>) | CALLU 1972-2009 |
| - Symmachus (<i>Relationes</i>) | VERA 1981 |

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